

HB0247



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

HB0247

Introduced 1/19/2007, by Rep. Jack D. Franks

SYNOPSIS AS INTRODUCED:

625 ILCS 5/11-501

from Ch. 95 1/2, par. 11-501

Amends the Illinois Vehicle Code. Provides that a person convicted a second time of driving under the influence of alcohol, drugs, or intoxicating compounds is guilty of a Class 4 felony if, both at the time of the first violation and at the time of the second violation, he or she was transporting a passenger under the age of 16 years.

LRB095 00167 DRH 20167 b

CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning transportation.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Illinois Vehicle Code is amended by changing
5 Section 11-501 as follows:

6 (625 ILCS 5/11-501) (from Ch. 95 1/2, par. 11-501)

7 (Text of Section from P.A. 93-1093 and 94-963)

8 Sec. 11-501. Driving while under the influence of alcohol,
9 other drug or drugs, intoxicating compound or compounds or any
10 combination thereof.

11 (a) A person shall not drive or be in actual physical
12 control of any vehicle within this State while:

13 (1) the alcohol concentration in the person's blood or
14 breath is 0.08 or more based on the definition of blood and
15 breath units in Section 11-501.2;

16 (2) under the influence of alcohol;

17 (3) under the influence of any intoxicating compound or
18 combination of intoxicating compounds to a degree that
19 renders the person incapable of driving safely;

20 (4) under the influence of any other drug or
21 combination of drugs to a degree that renders the person
22 incapable of safely driving;

23 (5) under the combined influence of alcohol, other drug

1 or drugs, or intoxicating compound or compounds to a degree
2 that renders the person incapable of safely driving; or

3 (6) there is any amount of a drug, substance, or
4 compound in the person's breath, blood, or urine resulting
5 from the unlawful use or consumption of cannabis listed in
6 the Cannabis Control Act, a controlled substance listed in
7 the Illinois Controlled Substances Act, or an intoxicating
8 compound listed in the Use of Intoxicating Compounds Act.

9 (b) The fact that any person charged with violating this
10 Section is or has been legally entitled to use alcohol, other
11 drug or drugs, or intoxicating compound or compounds, or any
12 combination thereof, shall not constitute a defense against any
13 charge of violating this Section.

14 (b-1) With regard to penalties imposed under this Section:

15 (1) Any reference to a prior violation of subsection
16 (a) or a similar provision includes any violation of a
17 provision of a local ordinance or a provision of a law of
18 another state that is similar to a violation of subsection
19 (a) of this Section.

20 (2) Any penalty imposed for driving with a license that
21 has been revoked for a previous violation of subsection (a)
22 of this Section shall be in addition to the penalty imposed
23 for any subsequent violation of subsection (a).

24 (b-2) Except as otherwise provided in this Section, any
25 person convicted of violating subsection (a) of this Section is
26 guilty of a Class A misdemeanor.

1 (b-3) In addition to any other criminal or administrative
2 sanction for any second conviction of violating subsection (a)
3 or a similar provision committed within 5 years of a previous
4 violation of subsection (a) or a similar provision, the
5 defendant shall be sentenced to a mandatory minimum of 5 days
6 of imprisonment or assigned a mandatory minimum of 240 hours of
7 community service as may be determined by the court.

8 (b-4) In the case of a third or subsequent violation
9 committed within 5 years of a previous violation of subsection
10 (a) or a similar provision, in addition to any other criminal
11 or administrative sanction, a mandatory minimum term of either
12 10 days of imprisonment or 480 hours of community service shall
13 be imposed.

14 (b-5) The imprisonment or assignment of community service
15 under subsections (b-3) and (b-4) shall not be subject to
16 suspension, nor shall the person be eligible for a reduced
17 sentence.

18 (c) (Blank).

19 (c-1) (1) A person who violates subsection (a) during a
20 period in which his or her driving privileges are revoked
21 or suspended, where the revocation or suspension was for a
22 violation of subsection (a), Section 11-501.1, paragraph
23 (b) of Section 11-401, or for reckless homicide as defined
24 in Section 9-3 of the Criminal Code of 1961 is guilty of a
25 Class 4 felony.

26 (2) A person who violates subsection (a) a third time,

1 if the third violation occurs during a period in which his
2 or her driving privileges are revoked or suspended where
3 the revocation or suspension was for a violation of
4 subsection (a), Section 11-501.1, paragraph (b) of Section
5 11-401, or for reckless homicide as defined in Section 9-3
6 of the Criminal Code of 1961, is guilty of a Class 3
7 felony; and if the person receives a term of probation or
8 conditional discharge, he or she shall be required to serve
9 a mandatory minimum of 10 days of imprisonment or shall be
10 assigned a mandatory minimum of 480 hours of community
11 service, as may be determined by the court, as a condition
12 of the probation or conditional discharge. This mandatory
13 minimum term of imprisonment or assignment of community
14 service shall not be suspended or reduced by the court.

15 (2.2) A person who violates subsection (a), if the
16 violation occurs during a period in which his or her
17 driving privileges are revoked or suspended where the
18 revocation or suspension was for a violation of subsection
19 (a) or Section 11-501.1, shall also be sentenced to an
20 additional mandatory minimum term of 30 consecutive days of
21 imprisonment, 40 days of 24-hour periodic imprisonment, or
22 720 hours of community service, as may be determined by the
23 court. This mandatory term of imprisonment or assignment of
24 community service shall not be suspended or reduced by the
25 court.

26 (3) A person who violates subsection (a) a fourth or

1 subsequent time, if the fourth or subsequent violation
2 occurs during a period in which his or her driving
3 privileges are revoked or suspended where the revocation or
4 suspension was for a violation of subsection (a), Section
5 11-501.1, paragraph (b) of Section 11-401, or for reckless
6 homicide as defined in Section 9-3 of the Criminal Code of
7 1961, is guilty of a Class 2 felony and is not eligible for
8 a sentence of probation or conditional discharge.

9 (c-2) (Blank).

10 (c-3) (Blank).

11 (c-4) (Blank).

12 (c-5)(1) A person who violates subsection (a), if the
13 person was transporting a person under the age of 16 at the
14 time of the violation, is subject to an additional
15 mandatory minimum fine of \$1,000, an additional mandatory
16 minimum 140 hours of community service, which shall include
17 40 hours of community service in a program benefiting
18 children, and an additional 2 days of imprisonment. The
19 imprisonment or assignment of community service under this
20 subdivision (c-5)(1) is not subject to suspension, nor is
21 the person eligible for a reduced sentence.

22 (2) Except as provided in subdivisions (c-5)(3) and
23 (c-5)(4) a person who violates subsection (a) a second
24 time, if at the time of the second violation the person was
25 transporting a person under the age of 16, is subject to an
26 additional 10 days of imprisonment, an additional

1 mandatory minimum fine of \$1,000, and an additional
2 mandatory minimum 140 hours of community service, which
3 shall include 40 hours of community service in a program
4 benefiting children. The imprisonment or assignment of
5 community service under this subdivision (c-5)(2) is not
6 subject to suspension, nor is the person eligible for a
7 reduced sentence. If the person was transporting a
8 passenger under the age of 16 years at the time of the
9 first violation and at the time of the second violation,
10 the person is guilty of a Class 4 felony.

11 (3) Except as provided in subdivision (c-5)(4), any
12 person convicted of violating subdivision (c-5)(2) or a
13 similar provision within 10 years of a previous violation
14 of subsection (a) or a similar provision shall receive, in
15 addition to any other penalty imposed, a mandatory minimum
16 12 days imprisonment, an additional 40 hours of mandatory
17 community service in a program benefiting children, and a
18 mandatory minimum fine of \$1,750. The imprisonment or
19 assignment of community service under this subdivision
20 (c-5)(3) is not subject to suspension, nor is the person
21 eligible for a reduced sentence. If the person was
22 transporting a passenger under the age of 16 years at the
23 time of the first violation and at the time of the second
24 violation, the person is guilty of a Class 4 felony.

25 (4) Any person convicted of violating subdivision
26 (c-5)(2) or a similar provision within 5 years of a

1 previous violation of subsection (a) or a similar provision
2 shall receive, in addition to any other penalty imposed, an
3 additional 80 hours of mandatory community service in a
4 program benefiting children, an additional mandatory
5 minimum 12 days of imprisonment, and a mandatory minimum
6 fine of \$1,750. The imprisonment or assignment of community
7 service under this subdivision (c-5)(4) is not subject to
8 suspension, nor is the person eligible for a reduced
9 sentence. If the person was transporting a passenger under
10 the age of 16 years at the time of the first violation and
11 at the time of the second violation, the person is guilty
12 of a Class 4 felony.

13 (5) Any person convicted a third time for violating
14 subsection (a) or a similar provision, if at the time of
15 the third violation the person was transporting a person
16 under the age of 16, is guilty of a Class 4 felony and
17 shall receive, in addition to any other penalty imposed, an
18 additional mandatory fine of \$1,000, an additional
19 mandatory 140 hours of community service, which shall
20 include 40 hours in a program benefiting children, and a
21 mandatory minimum 30 days of imprisonment. The
22 imprisonment or assignment of community service under this
23 subdivision (c-5)(5) is not subject to suspension, nor is
24 the person eligible for a reduced sentence.

25 (6) Any person convicted of violating subdivision
26 (c-5)(5) or a similar provision a third time within 20

1 years of a previous violation of subsection (a) or a
2 similar provision is guilty of a Class 4 felony and shall
3 receive, in addition to any other penalty imposed, an
4 additional mandatory 40 hours of community service in a
5 program benefiting children, an additional mandatory fine
6 of \$3,000, and a mandatory minimum 120 days of
7 imprisonment. The imprisonment or assignment of community
8 service under this subdivision (c-5)(6) is not subject to
9 suspension, nor is the person eligible for a reduced
10 sentence.

11 (7) Any person convicted a fourth or subsequent time
12 for violating subsection (a) or a similar provision, if at
13 the time of the fourth or subsequent violation the person
14 was transporting a person under the age of 16, and if the
15 person's 3 prior violations of subsection (a) or a similar
16 provision occurred while transporting a person under the
17 age of 16 or while the alcohol concentration in his or her
18 blood, breath, or urine was 0.16 or more based on the
19 definition of blood, breath, or urine units in Section
20 11-501.2, is guilty of a Class 2 felony, is not eligible
21 for probation or conditional discharge, and is subject to a
22 minimum fine of \$3,000.

23 (c-6)(1) Any person convicted of a first violation of
24 subsection (a) or a similar provision, if the alcohol
25 concentration in his or her blood, breath, or urine was
26 0.16 or more based on the definition of blood, breath, or

1 urine units in Section 11-501.2, shall be subject, in
2 addition to any other penalty that may be imposed, to a
3 mandatory minimum of 100 hours of community service and a
4 mandatory minimum fine of \$500.

5 (2) Any person convicted of a second violation of
6 subsection (a) or a similar provision committed within 10
7 years of a previous violation of subsection (a) or a
8 similar provision, if at the time of the second violation
9 of subsection (a) or a similar provision the alcohol
10 concentration in his or her blood, breath, or urine was
11 0.16 or more based on the definition of blood, breath, or
12 urine units in Section 11-501.2, shall be subject, in
13 addition to any other penalty that may be imposed, to a
14 mandatory minimum of 2 days of imprisonment and a mandatory
15 minimum fine of \$1,250.

16 (3) Any person convicted of a third violation of
17 subsection (a) or a similar provision within 20 years of a
18 previous violation of subsection (a) or a similar
19 provision, if at the time of the third violation of
20 subsection (a) or a similar provision the alcohol
21 concentration in his or her blood, breath, or urine was
22 0.16 or more based on the definition of blood, breath, or
23 urine units in Section 11-501.2, is guilty of a Class 4
24 felony and shall be subject, in addition to any other
25 penalty that may be imposed, to a mandatory minimum of 90
26 days of imprisonment and a mandatory minimum fine of

1 \$2,500.

2 (4) Any person convicted of a fourth or subsequent
3 violation of subsection (a) or a similar provision, if at
4 the time of the fourth or subsequent violation the alcohol
5 concentration in his or her blood, breath, or urine was
6 0.16 or more based on the definition of blood, breath, or
7 urine units in Section 11-501.2, and if the person's 3
8 prior violations of subsection (a) or a similar provision
9 occurred while transporting a person under the age of 16 or
10 while the alcohol concentration in his or her blood,
11 breath, or urine was 0.16 or more based on the definition
12 of blood, breath, or urine units in Section 11-501.2, is
13 guilty of a Class 2 felony and is not eligible for a
14 sentence of probation or conditional discharge and is
15 subject to a minimum fine of \$2,500.

16 (d) (1) Every person convicted of committing a violation of
17 this Section shall be guilty of aggravated driving under
18 the influence of alcohol, other drug or drugs, or
19 intoxicating compound or compounds, or any combination
20 thereof if:

21 (A) the person committed a violation of subsection
22 (a) or a similar provision for the third or subsequent
23 time;

24 (B) the person committed a violation of subsection
25 (a) while driving a school bus with persons 18 years of
26 age or younger on board;

1 (C) the person in committing a violation of
2 subsection (a) was involved in a motor vehicle accident
3 that resulted in great bodily harm or permanent
4 disability or disfigurement to another, when the
5 violation was a proximate cause of the injuries;

6 (D) the person committed a violation of subsection
7 (a) for a second time and has been previously convicted
8 of violating Section 9-3 of the Criminal Code of 1961
9 or a similar provision of a law of another state
10 relating to reckless homicide in which the person was
11 determined to have been under the influence of alcohol,
12 other drug or drugs, or intoxicating compound or
13 compounds as an element of the offense or the person
14 has previously been convicted under subparagraph (C)
15 or subparagraph (F) of this paragraph (1);

16 (E) the person, in committing a violation of
17 subsection (a) while driving at any speed in a school
18 speed zone at a time when a speed limit of 20 miles per
19 hour was in effect under subsection (a) of Section
20 11-605 of this Code, was involved in a motor vehicle
21 accident that resulted in bodily harm, other than great
22 bodily harm or permanent disability or disfigurement,
23 to another person, when the violation of subsection (a)
24 was a proximate cause of the bodily harm; or

25 (F) the person, in committing a violation of
26 subsection (a), was involved in a motor vehicle,

1 snowmobile, all-terrain vehicle, or watercraft
2 accident that resulted in the death of another person,
3 when the violation of subsection (a) was a proximate
4 cause of the death.

5 (2) Except as provided in this paragraph (2), a person
6 convicted of aggravated driving under the influence of
7 alcohol, other drug or drugs, or intoxicating compound or
8 compounds, or any combination thereof is guilty of a Class
9 4 felony. For a violation of subparagraph (C) of paragraph
10 (1) of this subsection (d), the defendant, if sentenced to
11 a term of imprisonment, shall be sentenced to not less than
12 one year nor more than 12 years. Aggravated driving under
13 the influence of alcohol, other drug or drugs, or
14 intoxicating compound or compounds, or any combination
15 thereof as defined in subparagraph (F) of paragraph (1) of
16 this subsection (d) is a Class 2 felony, for which the
17 defendant, if sentenced to a term of imprisonment, shall be
18 sentenced to: (A) a term of imprisonment of not less than 3
19 years and not more than 14 years if the violation resulted
20 in the death of one person; or (B) a term of imprisonment
21 of not less than 6 years and not more than 28 years if the
22 violation resulted in the deaths of 2 or more persons. For
23 any prosecution under this subsection (d), a certified copy
24 of the driving abstract of the defendant shall be admitted
25 as proof of any prior conviction. Any person sentenced
26 under this subsection (d) who receives a term of probation

1 or conditional discharge must serve a minimum term of
2 either 480 hours of community service or 10 days of
3 imprisonment as a condition of the probation or conditional
4 discharge. This mandatory minimum term of imprisonment or
5 assignment of community service may not be suspended or
6 reduced by the court.

7 (e) After a finding of guilt and prior to any final
8 sentencing, or an order for supervision, for an offense based
9 upon an arrest for a violation of this Section or a similar
10 provision of a local ordinance, individuals shall be required
11 to undergo a professional evaluation to determine if an
12 alcohol, drug, or intoxicating compound abuse problem exists
13 and the extent of the problem, and undergo the imposition of
14 treatment as appropriate. Programs conducting these
15 evaluations shall be licensed by the Department of Human
16 Services. The cost of any professional evaluation shall be paid
17 for by the individual required to undergo the professional
18 evaluation.

19 (e-1) Any person who is found guilty of or pleads guilty to
20 violating this Section, including any person receiving a
21 disposition of court supervision for violating this Section,
22 may be required by the Court to attend a victim impact panel
23 offered by, or under contract with, a County State's Attorney's
24 office, a probation and court services department, Mothers
25 Against Drunk Driving, or the Alliance Against Intoxicated
26 Motorists. All costs generated by the victim impact panel shall

1 be paid from fees collected from the offender or as may be
2 determined by the court.

3 (f) Every person found guilty of violating this Section,
4 whose operation of a motor vehicle while in violation of this
5 Section proximately caused any incident resulting in an
6 appropriate emergency response, shall be liable for the expense
7 of an emergency response as provided under Section 5-5-3 of the
8 Unified Code of Corrections.

9 (g) The Secretary of State shall revoke the driving
10 privileges of any person convicted under this Section or a
11 similar provision of a local ordinance.

12 (h) (Blank).

13 (i) The Secretary of State shall require the use of
14 ignition interlock devices on all vehicles owned by an
15 individual who has been convicted of a second or subsequent
16 offense of this Section or a similar provision of a local
17 ordinance. The Secretary shall establish by rule and regulation
18 the procedures for certification and use of the interlock
19 system.

20 (j) In addition to any other penalties and liabilities, a
21 person who is found guilty of or pleads guilty to violating
22 subsection (a), including any person placed on court
23 supervision for violating subsection (a), shall be fined \$500,
24 payable to the circuit clerk, who shall distribute the money as
25 follows: 20% to the law enforcement agency that made the arrest
26 and 80% shall be forwarded to the State Treasurer for deposit

1 into the General Revenue Fund. If the person has been
2 previously convicted of violating subsection (a) or a similar
3 provision of a local ordinance, the fine shall be \$1,000. In
4 the event that more than one agency is responsible for the
5 arrest, the amount payable to law enforcement agencies shall be
6 shared equally. Any moneys received by a law enforcement agency
7 under this subsection (j) shall be used for enforcement and
8 prevention of driving while under the influence of alcohol,
9 other drug or drugs, intoxicating compound or compounds or any
10 combination thereof, as defined by this Section, including but
11 not limited to the purchase of law enforcement equipment and
12 commodities that will assist in the prevention of alcohol
13 related criminal violence throughout the State; police officer
14 training and education in areas related to alcohol related
15 crime, including but not limited to DUI training; and police
16 officer salaries, including but not limited to salaries for
17 hire back funding for safety checkpoints, saturation patrols,
18 and liquor store sting operations. Equipment and commodities
19 shall include, but are not limited to, in-car video cameras,
20 radar and laser speed detection devices, and alcohol breath
21 testers. Any moneys received by the Department of State Police
22 under this subsection (j) shall be deposited into the State
23 Police DUI Fund and shall be used for enforcement and
24 prevention of driving while under the influence of alcohol,
25 other drug or drugs, intoxicating compound or compounds or any
26 combination thereof, as defined by this Section, including but

1 not limited to the purchase of law enforcement equipment and
2 commodities that will assist in the prevention of alcohol
3 related criminal violence throughout the State; police officer
4 training and education in areas related to alcohol related
5 crime, including but not limited to DUI training; and police
6 officer salaries, including but not limited to salaries for
7 hire back funding for safety checkpoints, saturation patrols,
8 and liquor store sting operations.

9 (k) The Secretary of State Police DUI Fund is created as a
10 special fund in the State treasury. All moneys received by the
11 Secretary of State Police under subsection (j) of this Section
12 shall be deposited into the Secretary of State Police DUI Fund
13 and, subject to appropriation, shall be used for enforcement
14 and prevention of driving while under the influence of alcohol,
15 other drug or drugs, intoxicating compound or compounds or any
16 combination thereof, as defined by this Section, including but
17 not limited to the purchase of law enforcement equipment and
18 commodities to assist in the prevention of alcohol related
19 criminal violence throughout the State; police officer
20 training and education in areas related to alcohol related
21 crime, including but not limited to DUI training; and police
22 officer salaries, including but not limited to salaries for
23 hire back funding for safety checkpoints, saturation patrols,
24 and liquor store sting operations.

25 (l) Whenever an individual is sentenced for an offense
26 based upon an arrest for a violation of subsection (a) or a

1 similar provision of a local ordinance, and the professional
2 evaluation recommends remedial or rehabilitative treatment or
3 education, neither the treatment nor the education shall be the
4 sole disposition and either or both may be imposed only in
5 conjunction with another disposition. The court shall monitor
6 compliance with any remedial education or treatment
7 recommendations contained in the professional evaluation.
8 Programs conducting alcohol or other drug evaluation or
9 remedial education must be licensed by the Department of Human
10 Services. If the individual is not a resident of Illinois,
11 however, the court may accept an alcohol or other drug
12 evaluation or remedial education program in the individual's
13 state of residence. Programs providing treatment must be
14 licensed under existing applicable alcoholism and drug
15 treatment licensure standards.

16 (m) In addition to any other fine or penalty required by
17 law, an individual convicted of a violation of subsection (a),
18 Section 5-7 of the Snowmobile Registration and Safety Act,
19 Section 5-16 of the Boat Registration and Safety Act, or a
20 similar provision, whose operation of a motor vehicle,
21 snowmobile, or watercraft while in violation of subsection (a),
22 Section 5-7 of the Snowmobile Registration and Safety Act,
23 Section 5-16 of the Boat Registration and Safety Act, or a
24 similar provision proximately caused an incident resulting in
25 an appropriate emergency response, shall be required to make
26 restitution to a public agency for the costs of that emergency

1 response. The restitution may not exceed \$1,000 per public
2 agency for each emergency response. As used in this subsection
3 (m), "emergency response" means any incident requiring a
4 response by a police officer, a firefighter carried on the
5 rolls of a regularly constituted fire department, or an
6 ambulance.

7 (Source: P.A. 93-156, eff. 1-1-04; 93-213, eff. 7-18-03;
8 93-584, eff. 8-22-03; 93-712, eff. 1-1-05; 93-800, eff. 1-1-05;
9 93-840, eff. 7-30-04; 93-1093, eff. 3-29-05; 94-963, eff.
10 6-28-06.)

11 (Text of Section from P.A. 94-110 and 94-963)

12 Sec. 11-501. Driving while under the influence of alcohol,
13 other drug or drugs, intoxicating compound or compounds or any
14 combination thereof.

15 (a) A person shall not drive or be in actual physical
16 control of any vehicle within this State while:

17 (1) the alcohol concentration in the person's blood or
18 breath is 0.08 or more based on the definition of blood and
19 breath units in Section 11-501.2;

20 (2) under the influence of alcohol;

21 (3) under the influence of any intoxicating compound or
22 combination of intoxicating compounds to a degree that
23 renders the person incapable of driving safely;

24 (4) under the influence of any other drug or
25 combination of drugs to a degree that renders the person

1 incapable of safely driving;

2 (5) under the combined influence of alcohol, other drug
3 or drugs, or intoxicating compound or compounds to a degree
4 that renders the person incapable of safely driving; or

5 (6) there is any amount of a drug, substance, or
6 compound in the person's breath, blood, or urine resulting
7 from the unlawful use or consumption of cannabis listed in
8 the Cannabis Control Act, a controlled substance listed in
9 the Illinois Controlled Substances Act, or an intoxicating
10 compound listed in the Use of Intoxicating Compounds Act.

11 (b) The fact that any person charged with violating this
12 Section is or has been legally entitled to use alcohol, other
13 drug or drugs, or intoxicating compound or compounds, or any
14 combination thereof, shall not constitute a defense against any
15 charge of violating this Section.

16 (b-1) With regard to penalties imposed under this Section:

17 (1) Any reference to a prior violation of subsection
18 (a) or a similar provision includes any violation of a
19 provision of a local ordinance or a provision of a law of
20 another state that is similar to a violation of subsection
21 (a) of this Section.

22 (2) Any penalty imposed for driving with a license that
23 has been revoked for a previous violation of subsection (a)
24 of this Section shall be in addition to the penalty imposed
25 for any subsequent violation of subsection (a).

26 (b-2) Except as otherwise provided in this Section, any

1 person convicted of violating subsection (a) of this Section is
2 guilty of a Class A misdemeanor.

3 (b-3) In addition to any other criminal or administrative
4 sanction for any second conviction of violating subsection (a)
5 or a similar provision committed within 5 years of a previous
6 violation of subsection (a) or a similar provision, the
7 defendant shall be sentenced to a mandatory minimum of 5 days
8 of imprisonment or assigned a mandatory minimum of 240 hours of
9 community service as may be determined by the court.

10 (b-4) In the case of a third or subsequent violation
11 committed within 5 years of a previous violation of subsection
12 (a) or a similar provision, in addition to any other criminal
13 or administrative sanction, a mandatory minimum term of either
14 10 days of imprisonment or 480 hours of community service shall
15 be imposed.

16 (b-5) The imprisonment or assignment of community service
17 under subsections (b-3) and (b-4) shall not be subject to
18 suspension, nor shall the person be eligible for a reduced
19 sentence.

20 (c) (Blank).

21 (c-1) (1) A person who violates subsection (a) during a
22 period in which his or her driving privileges are revoked
23 or suspended, where the revocation or suspension was for a
24 violation of subsection (a), Section 11-501.1, paragraph
25 (b) of Section 11-401, or for reckless homicide as defined
26 in Section 9-3 of the Criminal Code of 1961 is guilty of a

1 Class 4 felony.

2 (2) A person who violates subsection (a) a third time,
3 if the third violation occurs during a period in which his
4 or her driving privileges are revoked or suspended where
5 the revocation or suspension was for a violation of
6 subsection (a), Section 11-501.1, paragraph (b) of Section
7 11-401, or for reckless homicide as defined in Section 9-3
8 of the Criminal Code of 1961, is guilty of a Class 3
9 felony; and if the person receives a term of probation or
10 conditional discharge, he or she shall be required to serve
11 a mandatory minimum of 10 days of imprisonment or shall be
12 assigned a mandatory minimum of 480 hours of community
13 service, as may be determined by the court, as a condition
14 of the probation or conditional discharge. This mandatory
15 minimum term of imprisonment or assignment of community
16 service shall not be suspended or reduced by the court.

17 (2.2) A person who violates subsection (a), if the
18 violation occurs during a period in which his or her
19 driving privileges are revoked or suspended where the
20 revocation or suspension was for a violation of subsection
21 (a) or Section 11-501.1, shall also be sentenced to an
22 additional mandatory minimum term of 30 consecutive days of
23 imprisonment, 40 days of 24-hour periodic imprisonment, or
24 720 hours of community service, as may be determined by the
25 court. This mandatory term of imprisonment or assignment of
26 community service shall not be suspended or reduced by the

1 court.

2 (3) A person who violates subsection (a) a fourth or
3 subsequent time, if the fourth or subsequent violation
4 occurs during a period in which his or her driving
5 privileges are revoked or suspended where the revocation or
6 suspension was for a violation of subsection (a), Section
7 11-501.1, paragraph (b) of Section 11-401, or for reckless
8 homicide as defined in Section 9-3 of the Criminal Code of
9 1961, is guilty of a Class 2 felony and is not eligible for
10 a sentence of probation or conditional discharge.

11 (c-2) (Blank).

12 (c-3) (Blank).

13 (c-4) (Blank).

14 (c-5) Except as provided in subsection (c-5.1), a person 21
15 years of age or older who violates subsection (a), if the
16 person was transporting a person under the age of 16 at the
17 time of the violation, is subject to 6 months of imprisonment,
18 an additional mandatory minimum fine of \$1,000, and 25 days of
19 community service in a program benefiting children. The
20 imprisonment or assignment of community service under this
21 subsection (c-5) is not subject to suspension, nor is the
22 person eligible for a reduced sentence.

23 (c-5.1) A person 21 years of age or older who is convicted
24 of violating subsection (a) of this Section a first time and
25 who in committing that violation was involved in a motor
26 vehicle accident that resulted in bodily harm to the child

1 under the age of 16 being transported by the person, if the
2 violation was the proximate cause of the injury, is guilty of a
3 Class 4 felony and is subject to one year of imprisonment, a
4 mandatory fine of \$2,500, and 25 days of community service in a
5 program benefiting children. The imprisonment or assignment to
6 community service under this subsection (c-5.1) shall not be
7 subject to suspension, nor shall the person be eligible for
8 probation in order to reduce the sentence or assignment.

9 (c-6) Except as provided in subsections (c-7) and (c-7.1),
10 a person 21 years of age or older who violates subsection (a) a
11 second time, if at the time of the second violation the person
12 was transporting a person under the age of 16, is subject to 6
13 months of imprisonment, an additional mandatory minimum fine of
14 \$1,000, and an additional mandatory minimum 140 hours of
15 community service, which shall include 40 hours of community
16 service in a program benefiting children. The imprisonment or
17 assignment of community service under this subsection (c-6) is
18 not subject to suspension, nor is the person eligible for a
19 reduced sentence. If the person was transporting a passenger
20 under the age of 16 years at the time of the first violation
21 and at the time of the second violation, the person is guilty
22 of a Class 4 felony.

23 (c-7) Except as provided in subsection (c-7.1), any person
24 21 years of age or older convicted of violating subsection
25 (c-6) or a similar provision within 10 years of a previous
26 violation of subsection (a) or a similar provision is guilty of

1 a Class 4 felony and, in addition to any other penalty imposed,
2 is subject to one year of imprisonment, 25 days of mandatory
3 community service in a program benefiting children, and a
4 mandatory fine of \$2,500. The imprisonment or assignment of
5 community service under this subsection (c-7) is not subject to
6 suspension, nor is the person eligible for a reduced sentence.

7 (c-7.1) A person 21 years of age or older who is convicted
8 of violating subsection (a) of this Section a second time
9 within 10 years and who in committing that violation was
10 involved in a motor vehicle accident that resulted in bodily
11 harm to the child under the age of 16 being transported, if the
12 violation was the proximate cause of the injury, is guilty of a
13 Class 4 felony and is subject to 18 months of imprisonment, a
14 mandatory fine of \$5,000, and 25 days of community service in a
15 program benefiting children. The imprisonment or assignment to
16 community service under this subsection (c-7.1) shall not be
17 subject to suspension, nor shall the person be eligible for
18 probation in order to reduce the sentence or assignment.

19 (c-8) (Blank).

20 (c-9) Any person 21 years of age or older convicted a third
21 time for violating subsection (a) or a similar provision, if at
22 the time of the third violation the person was transporting a
23 person under the age of 16, is guilty of a Class 4 felony and is
24 subject to 18 months of imprisonment, a mandatory fine of
25 \$2,500, and 25 days of community service in a program
26 benefiting children. The imprisonment or assignment of

1 community service under this subsection (c-9) is not subject to
2 suspension, nor is the person eligible for a reduced sentence.

3 (c-10) Any person 21 years of age or older convicted of
4 violating subsection (c-9) or a similar provision a third time
5 within 20 years of a previous violation of subsection (a) or a
6 similar provision is guilty of a Class 3 felony and, in
7 addition to any other penalty imposed, is subject to 3 years of
8 imprisonment, 25 days of community service in a program
9 benefiting children, and a mandatory fine of \$25,000. The
10 imprisonment or assignment of community service under this
11 subsection (c-10) is not subject to suspension, nor is the
12 person eligible for a reduced sentence.

13 (c-11) Any person 21 years of age or older convicted a
14 fourth or subsequent time for violating subsection (a) or a
15 similar provision, if at the time of the fourth or subsequent
16 violation the person was transporting a person under the age of
17 16, and if the person's 3 prior violations of subsection (a) or
18 a similar provision occurred while transporting a person under
19 the age of 16 or while the alcohol concentration in his or her
20 blood, breath, or urine was 0.16 or more based on the
21 definition of blood, breath, or urine units in Section
22 11-501.2, is guilty of a Class 2 felony, is not eligible for
23 probation or conditional discharge, and is subject to a minimum
24 fine of \$25,000.

25 (c-12) Any person convicted of a first violation of
26 subsection (a) or a similar provision, if the alcohol

1 concentration in his or her blood, breath, or urine was 0.16 or
2 more based on the definition of blood, breath, or urine units
3 in Section 11-501.2, shall be subject, in addition to any other
4 penalty that may be imposed, to a mandatory minimum of 100
5 hours of community service and a mandatory minimum fine of
6 \$500.

7 (c-13) Any person convicted of a second violation of
8 subsection (a) or a similar provision committed within 10 years
9 of a previous violation of subsection (a) or a similar
10 provision, if at the time of the second violation of subsection
11 (a) or a similar provision the alcohol concentration in his or
12 her blood, breath, or urine was 0.16 or more based on the
13 definition of blood, breath, or urine units in Section
14 11-501.2, shall be subject, in addition to any other penalty
15 that may be imposed, to a mandatory minimum of 2 days of
16 imprisonment and a mandatory minimum fine of \$1,250.

17 (c-14) Any person convicted of a third violation of
18 subsection (a) or a similar provision within 20 years of a
19 previous violation of subsection (a) or a similar provision, if
20 at the time of the third violation of subsection (a) or a
21 similar provision the alcohol concentration in his or her
22 blood, breath, or urine was 0.16 or more based on the
23 definition of blood, breath, or urine units in Section
24 11-501.2, is guilty of a Class 4 felony and shall be subject,
25 in addition to any other penalty that may be imposed, to a
26 mandatory minimum of 90 days of imprisonment and a mandatory

1 minimum fine of \$2,500.

2 (c-15) Any person convicted of a fourth or subsequent
3 violation of subsection (a) or a similar provision, if at the
4 time of the fourth or subsequent violation the alcohol
5 concentration in his or her blood, breath, or urine was 0.16 or
6 more based on the definition of blood, breath, or urine units
7 in Section 11-501.2, and if the person's 3 prior violations of
8 subsection (a) or a similar provision occurred while
9 transporting a person under the age of 16 or while the alcohol
10 concentration in his or her blood, breath, or urine was 0.16 or
11 more based on the definition of blood, breath, or urine units
12 in Section 11-501.2, is guilty of a Class 2 felony and is not
13 eligible for a sentence of probation or conditional discharge
14 and is subject to a minimum fine of \$2,500.

15 (d) (1) Every person convicted of committing a violation of
16 this Section shall be guilty of aggravated driving under
17 the influence of alcohol, other drug or drugs, or
18 intoxicating compound or compounds, or any combination
19 thereof if:

20 (A) the person committed a violation of subsection
21 (a) or a similar provision for the third or subsequent
22 time;

23 (B) the person committed a violation of subsection
24 (a) while driving a school bus with persons 18 years of
25 age or younger on board;

26 (C) the person in committing a violation of

1 subsection (a) was involved in a motor vehicle accident
2 that resulted in great bodily harm or permanent
3 disability or disfigurement to another, when the
4 violation was a proximate cause of the injuries;

5 (D) the person committed a violation of subsection
6 (a) for a second time and has been previously convicted
7 of violating Section 9-3 of the Criminal Code of 1961
8 or a similar provision of a law of another state
9 relating to reckless homicide in which the person was
10 determined to have been under the influence of alcohol,
11 other drug or drugs, or intoxicating compound or
12 compounds as an element of the offense or the person
13 has previously been convicted under subparagraph (C)
14 or subparagraph (F) of this paragraph (1);

15 (E) the person, in committing a violation of
16 subsection (a) while driving at any speed in a school
17 speed zone at a time when a speed limit of 20 miles per
18 hour was in effect under subsection (a) of Section
19 11-605 of this Code, was involved in a motor vehicle
20 accident that resulted in bodily harm, other than great
21 bodily harm or permanent disability or disfigurement,
22 to another person, when the violation of subsection (a)
23 was a proximate cause of the bodily harm; or

24 (F) the person, in committing a violation of
25 subsection (a), was involved in a motor vehicle,
26 snowmobile, all-terrain vehicle, or watercraft

1 accident that resulted in the death of another person,
2 when the violation of subsection (a) was a proximate
3 cause of the death.

4 (2) Except as provided in this paragraph (2), a person
5 convicted of aggravated driving under the influence of
6 alcohol, other drug or drugs, or intoxicating compound or
7 compounds, or any combination thereof is guilty of a Class
8 4 felony. For a violation of subparagraph (C) of paragraph
9 (1) of this subsection (d), the defendant, if sentenced to
10 a term of imprisonment, shall be sentenced to not less than
11 one year nor more than 12 years. Aggravated driving under
12 the influence of alcohol, other drug or drugs, or
13 intoxicating compound or compounds, or any combination
14 thereof as defined in subparagraph (F) of paragraph (1) of
15 this subsection (d) is a Class 2 felony, for which the
16 defendant, if sentenced to a term of imprisonment, shall be
17 sentenced to: (A) a term of imprisonment of not less than 3
18 years and not more than 14 years if the violation resulted
19 in the death of one person; or (B) a term of imprisonment
20 of not less than 6 years and not more than 28 years if the
21 violation resulted in the deaths of 2 or more persons. For
22 any prosecution under this subsection (d), a certified copy
23 of the driving abstract of the defendant shall be admitted
24 as proof of any prior conviction. Any person sentenced
25 under this subsection (d) who receives a term of probation
26 or conditional discharge must serve a minimum term of

1 either 480 hours of community service or 10 days of
2 imprisonment as a condition of the probation or conditional
3 discharge. This mandatory minimum term of imprisonment or
4 assignment of community service may not be suspended or
5 reduced by the court.

6 (e) After a finding of guilt and prior to any final
7 sentencing, or an order for supervision, for an offense based
8 upon an arrest for a violation of this Section or a similar
9 provision of a local ordinance, individuals shall be required
10 to undergo a professional evaluation to determine if an
11 alcohol, drug, or intoxicating compound abuse problem exists
12 and the extent of the problem, and undergo the imposition of
13 treatment as appropriate. Programs conducting these
14 evaluations shall be licensed by the Department of Human
15 Services. The cost of any professional evaluation shall be paid
16 for by the individual required to undergo the professional
17 evaluation.

18 (e-1) Any person who is found guilty of or pleads guilty to
19 violating this Section, including any person receiving a
20 disposition of court supervision for violating this Section,
21 may be required by the Court to attend a victim impact panel
22 offered by, or under contract with, a County State's Attorney's
23 office, a probation and court services department, Mothers
24 Against Drunk Driving, or the Alliance Against Intoxicated
25 Motorists. All costs generated by the victim impact panel shall
26 be paid from fees collected from the offender or as may be

1 determined by the court.

2 (f) Every person found guilty of violating this Section,
3 whose operation of a motor vehicle while in violation of this
4 Section proximately caused any incident resulting in an
5 appropriate emergency response, shall be liable for the expense
6 of an emergency response as provided under Section 5-5-3 of the
7 Unified Code of Corrections.

8 (g) The Secretary of State shall revoke the driving
9 privileges of any person convicted under this Section or a
10 similar provision of a local ordinance.

11 (h) (Blank).

12 (i) The Secretary of State shall require the use of
13 ignition interlock devices on all vehicles owned by an
14 individual who has been convicted of a second or subsequent
15 offense of this Section or a similar provision of a local
16 ordinance. The Secretary shall establish by rule and regulation
17 the procedures for certification and use of the interlock
18 system.

19 (j) In addition to any other penalties and liabilities, a
20 person who is found guilty of or pleads guilty to violating
21 subsection (a), including any person placed on court
22 supervision for violating subsection (a), shall be fined \$500,
23 payable to the circuit clerk, who shall distribute the money as
24 follows: 20% to the law enforcement agency that made the arrest
25 and 80% shall be forwarded to the State Treasurer for deposit
26 into the General Revenue Fund. If the person has been

1 previously convicted of violating subsection (a) or a similar
2 provision of a local ordinance, the fine shall be \$1,000. In
3 the event that more than one agency is responsible for the
4 arrest, the amount payable to law enforcement agencies shall be
5 shared equally. Any moneys received by a law enforcement agency
6 under this subsection (j) shall be used for enforcement and
7 prevention of driving while under the influence of alcohol,
8 other drug or drugs, intoxicating compound or compounds or any
9 combination thereof, as defined by this Section, including but
10 not limited to the purchase of law enforcement equipment and
11 commodities that will assist in the prevention of alcohol
12 related criminal violence throughout the State; police officer
13 training and education in areas related to alcohol related
14 crime, including but not limited to DUI training; and police
15 officer salaries, including but not limited to salaries for
16 hire back funding for safety checkpoints, saturation patrols,
17 and liquor store sting operations. Equipment and commodities
18 shall include, but are not limited to, in-car video cameras,
19 radar and laser speed detection devices, and alcohol breath
20 testers. Any moneys received by the Department of State Police
21 under this subsection (j) shall be deposited into the State
22 Police DUI Fund and shall be used for enforcement and
23 prevention of driving while under the influence of alcohol,
24 other drug or drugs, intoxicating compound or compounds or any
25 combination thereof, as defined by this Section, including but
26 not limited to the purchase of law enforcement equipment and

1 commodities that will assist in the prevention of alcohol
2 related criminal violence throughout the State; police officer
3 training and education in areas related to alcohol related
4 crime, including but not limited to DUI training; and police
5 officer salaries, including but not limited to salaries for
6 hire back funding for safety checkpoints, saturation patrols,
7 and liquor store sting operations.

8 (k) The Secretary of State Police DUI Fund is created as a
9 special fund in the State treasury. All moneys received by the
10 Secretary of State Police under subsection (j) of this Section
11 shall be deposited into the Secretary of State Police DUI Fund
12 and, subject to appropriation, shall be used for enforcement
13 and prevention of driving while under the influence of alcohol,
14 other drug or drugs, intoxicating compound or compounds or any
15 combination thereof, as defined by this Section, including but
16 not limited to the purchase of law enforcement equipment and
17 commodities to assist in the prevention of alcohol related
18 criminal violence throughout the State; police officer
19 training and education in areas related to alcohol related
20 crime, including but not limited to DUI training; and police
21 officer salaries, including but not limited to salaries for
22 hire back funding for safety checkpoints, saturation patrols,
23 and liquor store sting operations.

24 (l) Whenever an individual is sentenced for an offense
25 based upon an arrest for a violation of subsection (a) or a
26 similar provision of a local ordinance, and the professional

1 evaluation recommends remedial or rehabilitative treatment or
2 education, neither the treatment nor the education shall be the
3 sole disposition and either or both may be imposed only in
4 conjunction with another disposition. The court shall monitor
5 compliance with any remedial education or treatment
6 recommendations contained in the professional evaluation.
7 Programs conducting alcohol or other drug evaluation or
8 remedial education must be licensed by the Department of Human
9 Services. If the individual is not a resident of Illinois,
10 however, the court may accept an alcohol or other drug
11 evaluation or remedial education program in the individual's
12 state of residence. Programs providing treatment must be
13 licensed under existing applicable alcoholism and drug
14 treatment licensure standards.

15 (m) In addition to any other fine or penalty required by
16 law, an individual convicted of a violation of subsection (a),
17 Section 5-7 of the Snowmobile Registration and Safety Act,
18 Section 5-16 of the Boat Registration and Safety Act, or a
19 similar provision, whose operation of a motor vehicle,
20 snowmobile, or watercraft while in violation of subsection (a),
21 Section 5-7 of the Snowmobile Registration and Safety Act,
22 Section 5-16 of the Boat Registration and Safety Act, or a
23 similar provision proximately caused an incident resulting in
24 an appropriate emergency response, shall be required to make
25 restitution to a public agency for the costs of that emergency
26 response. The restitution may not exceed \$1,000 per public

1 agency for each emergency response. As used in this subsection
2 (m), "emergency response" means any incident requiring a
3 response by a police officer, a firefighter carried on the
4 rolls of a regularly constituted fire department, or an
5 ambulance.

6 (Source: P.A. 93-156, eff. 1-1-04; 93-213, eff. 7-18-03;
7 93-584, eff. 8-22-03; 93-712, eff. 1-1-05; 93-800, eff. 1-1-05;
8 93-840, eff. 7-30-04; 94-110, eff. 1-1-06; 94-963, eff.
9 6-28-06.)

10 (Text of Section from P.A. 94-113, 94-609, and 94-963)

11 Sec. 11-501. Driving while under the influence of alcohol,
12 other drug or drugs, intoxicating compound or compounds or any
13 combination thereof.

14 (a) A person shall not drive or be in actual physical
15 control of any vehicle within this State while:

16 (1) the alcohol concentration in the person's blood or
17 breath is 0.08 or more based on the definition of blood and
18 breath units in Section 11-501.2;

19 (2) under the influence of alcohol;

20 (3) under the influence of any intoxicating compound or
21 combination of intoxicating compounds to a degree that
22 renders the person incapable of driving safely;

23 (4) under the influence of any other drug or
24 combination of drugs to a degree that renders the person
25 incapable of safely driving;

1 (5) under the combined influence of alcohol, other drug
2 or drugs, or intoxicating compound or compounds to a degree
3 that renders the person incapable of safely driving; or

4 (6) there is any amount of a drug, substance, or
5 compound in the person's breath, blood, or urine resulting
6 from the unlawful use or consumption of cannabis listed in
7 the Cannabis Control Act, a controlled substance listed in
8 the Illinois Controlled Substances Act, or an intoxicating
9 compound listed in the Use of Intoxicating Compounds Act.

10 (b) The fact that any person charged with violating this
11 Section is or has been legally entitled to use alcohol, other
12 drug or drugs, or intoxicating compound or compounds, or any
13 combination thereof, shall not constitute a defense against any
14 charge of violating this Section.

15 (b-1) With regard to penalties imposed under this Section:

16 (1) Any reference to a prior violation of subsection
17 (a) or a similar provision includes any violation of a
18 provision of a local ordinance or a provision of a law of
19 another state that is similar to a violation of subsection
20 (a) of this Section.

21 (2) Any penalty imposed for driving with a license that
22 has been revoked for a previous violation of subsection (a)
23 of this Section shall be in addition to the penalty imposed
24 for any subsequent violation of subsection (a).

25 (b-2) Except as otherwise provided in this Section, any
26 person convicted of violating subsection (a) of this Section is

1 guilty of a Class A misdemeanor.

2 (b-3) In addition to any other criminal or administrative
3 sanction for any second conviction of violating subsection (a)
4 or a similar provision committed within 5 years of a previous
5 violation of subsection (a) or a similar provision, the
6 defendant shall be sentenced to a mandatory minimum of 5 days
7 of imprisonment or assigned a mandatory minimum of 240 hours of
8 community service as may be determined by the court.

9 (b-4) In the case of a third or subsequent violation
10 committed within 5 years of a previous violation of subsection
11 (a) or a similar provision, in addition to any other criminal
12 or administrative sanction, a mandatory minimum term of either
13 10 days of imprisonment or 480 hours of community service shall
14 be imposed.

15 (b-5) The imprisonment or assignment of community service
16 under subsections (b-3) and (b-4) shall not be subject to
17 suspension, nor shall the person be eligible for a reduced
18 sentence.

19 (c) (Blank).

20 (c-1) (1) A person who violates subsection (a) during a
21 period in which his or her driving privileges are revoked
22 or suspended, where the revocation or suspension was for a
23 violation of subsection (a), Section 11-501.1, paragraph
24 (b) of Section 11-401, or for reckless homicide as defined
25 in Section 9-3 of the Criminal Code of 1961 is guilty of a
26 Class 4 felony.

1 (2) A person who violates subsection (a) a third time,
2 if the third violation occurs during a period in which his
3 or her driving privileges are revoked or suspended where
4 the revocation or suspension was for a violation of
5 subsection (a), Section 11-501.1, paragraph (b) of Section
6 11-401, or for reckless homicide as defined in Section 9-3
7 of the Criminal Code of 1961, is guilty of a Class 3
8 felony.

9 (2.1) A person who violates subsection (a) a third
10 time, if the third violation occurs during a period in
11 which his or her driving privileges are revoked or
12 suspended where the revocation or suspension was for a
13 violation of subsection (a), Section 11-501.1, subsection
14 (b) of Section 11-401, or for reckless homicide as defined
15 in Section 9-3 of the Criminal Code of 1961, is guilty of a
16 Class 3 felony; and if the person receives a term of
17 probation or conditional discharge, he or she shall be
18 required to serve a mandatory minimum of 10 days of
19 imprisonment or shall be assigned a mandatory minimum of
20 480 hours of community service, as may be determined by the
21 court, as a condition of the probation or conditional
22 discharge. This mandatory minimum term of imprisonment or
23 assignment of community service shall not be suspended or
24 reduced by the court.

25 (2.2) A person who violates subsection (a), if the
26 violation occurs during a period in which his or her

1 driving privileges are revoked or suspended where the
2 revocation or suspension was for a violation of subsection
3 (a) or Section 11-501.1, shall also be sentenced to an
4 additional mandatory minimum term of 30 consecutive days of
5 imprisonment, 40 days of 24-hour periodic imprisonment, or
6 720 hours of community service, as may be determined by the
7 court. This mandatory term of imprisonment or assignment of
8 community service shall not be suspended or reduced by the
9 court.

10 (3) A person who violates subsection (a) a fourth or
11 subsequent time, if the fourth or subsequent violation
12 occurs during a period in which his or her driving
13 privileges are revoked or suspended where the revocation or
14 suspension was for a violation of subsection (a), Section
15 11-501.1, paragraph (b) of Section 11-401, or for reckless
16 homicide as defined in Section 9-3 of the Criminal Code of
17 1961, is guilty of a Class 2 felony and is not eligible for
18 a sentence of probation or conditional discharge.

19 (c-2) (Blank).

20 (c-3) (Blank).

21 (c-4) (Blank).

22 (c-5) A person who violates subsection (a), if the person
23 was transporting a person under the age of 16 at the time of
24 the violation, is subject to an additional mandatory minimum
25 fine of \$1,000, an additional mandatory minimum 140 hours of
26 community service, which shall include 40 hours of community

1 service in a program benefiting children, and an additional 2
2 days of imprisonment. The imprisonment or assignment of
3 community service under this subsection (c-5) is not subject to
4 suspension, nor is the person eligible for a reduced sentence.

5 (c-6) Except as provided in subsections (c-7) and (c-8) a
6 person who violates subsection (a) a second time, if at the
7 time of the second violation the person was transporting a
8 person under the age of 16, is subject to an additional 10 days
9 of imprisonment, an additional mandatory minimum fine of
10 \$1,000, and an additional mandatory minimum 140 hours of
11 community service, which shall include 40 hours of community
12 service in a program benefiting children. The imprisonment or
13 assignment of community service under this subsection (c-6) is
14 not subject to suspension, nor is the person eligible for a
15 reduced sentence. If the person was transporting a passenger
16 under the age of 16 years at the time of the first violation
17 and at the time of the second violation, the person is guilty
18 of a Class 4 felony.

19 (c-7) Except as provided in subsection (c-8), any person
20 convicted of violating subsection (c-6) or a similar provision
21 within 10 years of a previous violation of subsection (a) or a
22 similar provision shall receive, in addition to any other
23 penalty imposed, a mandatory minimum 12 days imprisonment, an
24 additional 40 hours of mandatory community service in a program
25 benefiting children, and a mandatory minimum fine of \$1,750.
26 The imprisonment or assignment of community service under this

1 subsection (c-7) is not subject to suspension, nor is the
2 person eligible for a reduced sentence. If the person was
3 transporting a passenger under the age of 16 years at the time
4 of the first violation and at the time of the second violation,
5 the person is guilty of a Class 4 felony.

6 (c-8) Any person convicted of violating subsection (c-6) or
7 a similar provision within 5 years of a previous violation of
8 subsection (a) or a similar provision shall receive, in
9 addition to any other penalty imposed, an additional 80 hours
10 of mandatory community service in a program benefiting
11 children, an additional mandatory minimum 12 days of
12 imprisonment, and a mandatory minimum fine of \$1,750. The
13 imprisonment or assignment of community service under this
14 subsection (c-8) is not subject to suspension, nor is the
15 person eligible for a reduced sentence. If the person was
16 transporting a passenger under the age of 16 years at the time
17 of the first violation and at the time of the second violation,
18 the person is guilty of a Class 4 felony.

19 (c-9) Any person convicted a third time for violating
20 subsection (a) or a similar provision, if at the time of the
21 third violation the person was transporting a person under the
22 age of 16, is guilty of a Class 4 felony and shall receive, in
23 addition to any other penalty imposed, an additional mandatory
24 fine of \$1,000, an additional mandatory 140 hours of community
25 service, which shall include 40 hours in a program benefiting
26 children, and a mandatory minimum 30 days of imprisonment. The

1 imprisonment or assignment of community service under this
2 subsection (c-9) is not subject to suspension, nor is the
3 person eligible for a reduced sentence.

4 (c-10) Any person convicted of violating subsection (c-9)
5 or a similar provision a third time within 20 years of a
6 previous violation of subsection (a) or a similar provision is
7 guilty of a Class 4 felony and shall receive, in addition to
8 any other penalty imposed, an additional mandatory 40 hours of
9 community service in a program benefiting children, an
10 additional mandatory fine of \$3,000, and a mandatory minimum
11 120 days of imprisonment. The imprisonment or assignment of
12 community service under this subsection (c-10) is not subject
13 to suspension, nor is the person eligible for a reduced
14 sentence.

15 (c-11) Any person convicted a fourth or subsequent time for
16 violating subsection (a) or a similar provision, if at the time
17 of the fourth or subsequent violation the person was
18 transporting a person under the age of 16, and if the person's
19 3 prior violations of subsection (a) or a similar provision
20 occurred while transporting a person under the age of 16 or
21 while the alcohol concentration in his or her blood, breath, or
22 urine was 0.16 or more based on the definition of blood,
23 breath, or urine units in Section 11-501.2, is guilty of a
24 Class 2 felony, is not eligible for probation or conditional
25 discharge, and is subject to a minimum fine of \$3,000.

26 (c-12) Any person convicted of a first violation of

1 subsection (a) or a similar provision, if the alcohol
2 concentration in his or her blood, breath, or urine was 0.16 or
3 more based on the definition of blood, breath, or urine units
4 in Section 11-501.2, shall be subject, in addition to any other
5 penalty that may be imposed, to a mandatory minimum of 100
6 hours of community service and a mandatory minimum fine of
7 \$500.

8 (c-13) Any person convicted of a second violation of
9 subsection (a) or a similar provision committed within 10 years
10 of a previous violation of subsection (a) or a similar
11 provision committed within 10 years of a previous violation of
12 subsection (a) or a similar provision, if at the time of the
13 second violation of subsection (a) the alcohol concentration in
14 his or her blood, breath, or urine was 0.16 or more based on
15 the definition of blood, breath, or urine units in Section
16 11-501.2, shall be subject, in addition to any other penalty
17 that may be imposed, to a mandatory minimum of 2 days of
18 imprisonment and a mandatory minimum fine of \$1,250.

19 (c-14) Any person convicted of a third violation of
20 subsection (a) or a similar provision within 20 years of a
21 previous violation of subsection (a) or a similar provision, if
22 at the time of the third violation of subsection (a) or a
23 similar provision the alcohol concentration in his or her
24 blood, breath, or urine was 0.16 or more based on the
25 definition of blood, breath, or urine units in Section
26 11-501.2, is guilty of a Class 4 felony and shall be subject,

1 in addition to any other penalty that may be imposed, to a
2 mandatory minimum of 90 days of imprisonment and a mandatory
3 minimum fine of \$2,500.

4 (c-15) Any person convicted of a fourth or subsequent
5 violation of subsection (a) or a similar provision, if at the
6 time of the fourth or subsequent violation the alcohol
7 concentration in his or her blood, breath, or urine was 0.16 or
8 more based on the definition of blood, breath, or urine units
9 in Section 11-501.2, and if the person's 3 prior violations of
10 subsection (a) or a similar provision occurred while
11 transporting a person under the age of 16 or while the alcohol
12 concentration in his or her blood, breath, or urine was 0.16 or
13 more based on the definition of blood, breath, or urine units
14 in Section 11-501.2, is guilty of a Class 2 felony and is not
15 eligible for a sentence of probation or conditional discharge
16 and is subject to a minimum fine of \$2,500.

17 (d) (1) Every person convicted of committing a violation of
18 this Section shall be guilty of aggravated driving under
19 the influence of alcohol, other drug or drugs, or
20 intoxicating compound or compounds, or any combination
21 thereof if:

22 (A) the person committed a violation of subsection
23 (a) or a similar provision for the third or subsequent
24 time;

25 (B) the person committed a violation of subsection
26 (a) while driving a school bus with persons 18 years of

1 age or younger on board;

2 (C) the person in committing a violation of
3 subsection (a) was involved in a motor vehicle accident
4 that resulted in great bodily harm or permanent
5 disability or disfigurement to another, when the
6 violation was a proximate cause of the injuries;

7 (D) the person committed a violation of subsection
8 (a) for a second time and has been previously convicted
9 of violating Section 9-3 of the Criminal Code of 1961
10 or a similar provision of a law of another state
11 relating to reckless homicide in which the person was
12 determined to have been under the influence of alcohol,
13 other drug or drugs, or intoxicating compound or
14 compounds as an element of the offense or the person
15 has previously been convicted under subparagraph (C)
16 or subparagraph (F) of this paragraph (1);

17 (E) the person, in committing a violation of
18 subsection (a) while driving at any speed in a school
19 speed zone at a time when a speed limit of 20 miles per
20 hour was in effect under subsection (a) of Section
21 11-605 of this Code, was involved in a motor vehicle
22 accident that resulted in bodily harm, other than great
23 bodily harm or permanent disability or disfigurement,
24 to another person, when the violation of subsection (a)
25 was a proximate cause of the bodily harm; or

26 (F) the person, in committing a violation of

1 subsection (a), was involved in a motor vehicle,
2 snowmobile, all-terrain vehicle, or watercraft
3 accident that resulted in the death of another person,
4 when the violation of subsection (a) was a proximate
5 cause of the death.

6 (2) Except as provided in this paragraph (2), a person
7 convicted of aggravated driving under the influence of
8 alcohol, other drug or drugs, or intoxicating compound or
9 compounds, or any combination thereof is guilty of a Class
10 4 felony. For a violation of subparagraph (C) of paragraph
11 (1) of this subsection (d), the defendant, if sentenced to
12 a term of imprisonment, shall be sentenced to not less than
13 one year nor more than 12 years. Aggravated driving under
14 the influence of alcohol, other drug or drugs, or
15 intoxicating compound or compounds, or any combination
16 thereof as defined in subparagraph (F) of paragraph (1) of
17 this subsection (d) is a Class 2 felony, for which the
18 defendant, unless the court determines that extraordinary
19 circumstances exist and require probation, shall be
20 sentenced to: (A) a term of imprisonment of not less than 3
21 years and not more than 14 years if the violation resulted
22 in the death of one person; or (B) a term of imprisonment
23 of not less than 6 years and not more than 28 years if the
24 violation resulted in the deaths of 2 or more persons. For
25 any prosecution under this subsection (d), a certified copy
26 of the driving abstract of the defendant shall be admitted

1 as proof of any prior conviction. Any person sentenced
2 under this subsection (d) who receives a term of probation
3 or conditional discharge must serve a minimum term of
4 either 480 hours of community service or 10 days of
5 imprisonment as a condition of the probation or conditional
6 discharge. This mandatory minimum term of imprisonment or
7 assignment of community service may not be suspended or
8 reduced by the court.

9 (e) After a finding of guilt and prior to any final
10 sentencing, or an order for supervision, for an offense based
11 upon an arrest for a violation of this Section or a similar
12 provision of a local ordinance, individuals shall be required
13 to undergo a professional evaluation to determine if an
14 alcohol, drug, or intoxicating compound abuse problem exists
15 and the extent of the problem, and undergo the imposition of
16 treatment as appropriate. Programs conducting these
17 evaluations shall be licensed by the Department of Human
18 Services. The cost of any professional evaluation shall be paid
19 for by the individual required to undergo the professional
20 evaluation.

21 (e-1) Any person who is found guilty of or pleads guilty to
22 violating this Section, including any person receiving a
23 disposition of court supervision for violating this Section,
24 may be required by the Court to attend a victim impact panel
25 offered by, or under contract with, a County State's Attorney's
26 office, a probation and court services department, Mothers

1 Against Drunk Driving, or the Alliance Against Intoxicated
2 Motorists. All costs generated by the victim impact panel shall
3 be paid from fees collected from the offender or as may be
4 determined by the court.

5 (f) Every person found guilty of violating this Section,
6 whose operation of a motor vehicle while in violation of this
7 Section proximately caused any incident resulting in an
8 appropriate emergency response, shall be liable for the expense
9 of an emergency response as provided under Section 5-5-3 of the
10 Unified Code of Corrections.

11 (g) The Secretary of State shall revoke the driving
12 privileges of any person convicted under this Section or a
13 similar provision of a local ordinance.

14 (h) (Blank).

15 (i) The Secretary of State shall require the use of
16 ignition interlock devices on all vehicles owned by an
17 individual who has been convicted of a second or subsequent
18 offense of this Section or a similar provision of a local
19 ordinance. The Secretary shall establish by rule and regulation
20 the procedures for certification and use of the interlock
21 system.

22 (j) In addition to any other penalties and liabilities, a
23 person who is found guilty of or pleads guilty to violating
24 subsection (a), including any person placed on court
25 supervision for violating subsection (a), shall be fined \$500,
26 payable to the circuit clerk, who shall distribute the money as

1 follows: 20% to the law enforcement agency that made the arrest
2 and 80% shall be forwarded to the State Treasurer for deposit
3 into the General Revenue Fund. If the person has been
4 previously convicted of violating subsection (a) or a similar
5 provision of a local ordinance, the fine shall be \$1,000. In
6 the event that more than one agency is responsible for the
7 arrest, the amount payable to law enforcement agencies shall be
8 shared equally. Any moneys received by a law enforcement agency
9 under this subsection (j) shall be used for enforcement and
10 prevention of driving while under the influence of alcohol,
11 other drug or drugs, intoxicating compound or compounds or any
12 combination thereof, as defined by this Section, including but
13 not limited to the purchase of law enforcement equipment and
14 commodities that will assist in the prevention of alcohol
15 related criminal violence throughout the State; police officer
16 training and education in areas related to alcohol related
17 crime, including but not limited to DUI training; and police
18 officer salaries, including but not limited to salaries for
19 hire back funding for safety checkpoints, saturation patrols,
20 and liquor store sting operations. Equipment and commodities
21 shall include, but are not limited to, in-car video cameras,
22 radar and laser speed detection devices, and alcohol breath
23 testers. Any moneys received by the Department of State Police
24 under this subsection (j) shall be deposited into the State
25 Police DUI Fund and shall be used for enforcement and
26 prevention of driving while under the influence of alcohol,

1 other drug or drugs, intoxicating compound or compounds or any
2 combination thereof, as defined by this Section, including but
3 not limited to the purchase of law enforcement equipment and
4 commodities that will assist in the prevention of alcohol
5 related criminal violence throughout the State; police officer
6 training and education in areas related to alcohol related
7 crime, including but not limited to DUI training; and police
8 officer salaries, including but not limited to salaries for
9 hire back funding for safety checkpoints, saturation patrols,
10 and liquor store sting operations.

11 (k) The Secretary of State Police DUI Fund is created as a
12 special fund in the State treasury. All moneys received by the
13 Secretary of State Police under subsection (j) of this Section
14 shall be deposited into the Secretary of State Police DUI Fund
15 and, subject to appropriation, shall be used for enforcement
16 and prevention of driving while under the influence of alcohol,
17 other drug or drugs, intoxicating compound or compounds or any
18 combination thereof, as defined by this Section, including but
19 not limited to the purchase of law enforcement equipment and
20 commodities to assist in the prevention of alcohol related
21 criminal violence throughout the State; police officer
22 training and education in areas related to alcohol related
23 crime, including but not limited to DUI training; and police
24 officer salaries, including but not limited to salaries for
25 hire back funding for safety checkpoints, saturation patrols,
26 and liquor store sting operations.

1 (1) Whenever an individual is sentenced for an offense
2 based upon an arrest for a violation of subsection (a) or a
3 similar provision of a local ordinance, and the professional
4 evaluation recommends remedial or rehabilitative treatment or
5 education, neither the treatment nor the education shall be the
6 sole disposition and either or both may be imposed only in
7 conjunction with another disposition. The court shall monitor
8 compliance with any remedial education or treatment
9 recommendations contained in the professional evaluation.
10 Programs conducting alcohol or other drug evaluation or
11 remedial education must be licensed by the Department of Human
12 Services. If the individual is not a resident of Illinois,
13 however, the court may accept an alcohol or other drug
14 evaluation or remedial education program in the individual's
15 state of residence. Programs providing treatment must be
16 licensed under existing applicable alcoholism and drug
17 treatment licensure standards.

18 (m) In addition to any other fine or penalty required by
19 law, an individual convicted of a violation of subsection (a),
20 Section 5-7 of the Snowmobile Registration and Safety Act,
21 Section 5-16 of the Boat Registration and Safety Act, or a
22 similar provision, whose operation of a motor vehicle,
23 snowmobile, or watercraft while in violation of subsection (a),
24 Section 5-7 of the Snowmobile Registration and Safety Act,
25 Section 5-16 of the Boat Registration and Safety Act, or a
26 similar provision proximately caused an incident resulting in

1 an appropriate emergency response, shall be required to make
2 restitution to a public agency for the costs of that emergency
3 response. The restitution may not exceed \$1,000 per public
4 agency for each emergency response. As used in this subsection
5 (m), "emergency response" means any incident requiring a
6 response by a police officer, a firefighter carried on the
7 rolls of a regularly constituted fire department, or an
8 ambulance.

9 (Source: P.A. 93-156, eff. 1-1-04; 93-213, eff. 7-18-03;
10 93-584, eff. 8-22-03; 93-712, eff. 1-1-05; 93-800, eff. 1-1-05;
11 93-840, eff. 7-30-04; 94-113, eff. 1-1-06; 94-609, eff. 1-1-06;
12 94-963, eff. 6-28-06.)

13 (Text of Section from P.A. 94-114 and 94-963)

14 Sec. 11-501. Driving while under the influence of alcohol,
15 other drug or drugs, intoxicating compound or compounds or any
16 combination thereof.

17 (a) A person shall not drive or be in actual physical
18 control of any vehicle within this State while:

19 (1) the alcohol concentration in the person's blood or
20 breath is 0.08 or more based on the definition of blood and
21 breath units in Section 11-501.2;

22 (2) under the influence of alcohol;

23 (3) under the influence of any intoxicating compound or
24 combination of intoxicating compounds to a degree that
25 renders the person incapable of driving safely;

1 (4) under the influence of any other drug or
2 combination of drugs to a degree that renders the person
3 incapable of safely driving;

4 (5) under the combined influence of alcohol, other drug
5 or drugs, or intoxicating compound or compounds to a degree
6 that renders the person incapable of safely driving; or

7 (6) there is any amount of a drug, substance, or
8 compound in the person's breath, blood, or urine resulting
9 from the unlawful use or consumption of cannabis listed in
10 the Cannabis Control Act, a controlled substance listed in
11 the Illinois Controlled Substances Act, or an intoxicating
12 compound listed in the Use of Intoxicating Compounds Act.

13 (b) The fact that any person charged with violating this
14 Section is or has been legally entitled to use alcohol, other
15 drug or drugs, or intoxicating compound or compounds, or any
16 combination thereof, shall not constitute a defense against any
17 charge of violating this Section.

18 (b-1) With regard to penalties imposed under this Section:

19 (1) Any reference to a prior violation of subsection
20 (a) or a similar provision includes any violation of a
21 provision of a local ordinance or a provision of a law of
22 another state that is similar to a violation of subsection
23 (a) of this Section.

24 (2) Any penalty imposed for driving with a license that
25 has been revoked for a previous violation of subsection (a)
26 of this Section shall be in addition to the penalty imposed

1 for any subsequent violation of subsection (a).

2 (b-2) Except as otherwise provided in this Section, any
3 person convicted of violating subsection (a) of this Section is
4 guilty of a Class A misdemeanor.

5 (b-3) In addition to any other criminal or administrative
6 sanction for any second conviction of violating subsection (a)
7 or a similar provision committed within 5 years of a previous
8 violation of subsection (a) or a similar provision, the
9 defendant shall be sentenced to a mandatory minimum of 5 days
10 of imprisonment or assigned a mandatory minimum of 240 hours of
11 community service as may be determined by the court.

12 (b-4) In the case of a third or subsequent violation
13 committed within 5 years of a previous violation of subsection
14 (a) or a similar provision, in addition to any other criminal
15 or administrative sanction, a mandatory minimum term of either
16 10 days of imprisonment or 480 hours of community service shall
17 be imposed.

18 (b-5) The imprisonment or assignment of community service
19 under subsections (b-3) and (b-4) shall not be subject to
20 suspension, nor shall the person be eligible for a reduced
21 sentence.

22 (c) (Blank).

23 (c-1) (1) A person who violates subsection (a) during a
24 period in which his or her driving privileges are revoked
25 or suspended, where the revocation or suspension was for a
26 violation of subsection (a), Section 11-501.1, paragraph

1 (b) of Section 11-401, or for reckless homicide as defined
2 in Section 9-3 of the Criminal Code of 1961 is guilty of a
3 Class 4 felony.

4 (2) A person who violates subsection (a) a third time,
5 if the third violation occurs during a period in which his
6 or her driving privileges are revoked or suspended where
7 the revocation or suspension was for a violation of
8 subsection (a), Section 11-501.1, paragraph (b) of Section
9 11-401, or for reckless homicide as defined in Section 9-3
10 of the Criminal Code of 1961, is guilty of a Class 3
11 felony.

12 (2.1) A person who violates subsection (a) a third
13 time, if the third violation occurs during a period in
14 which his or her driving privileges are revoked or
15 suspended where the revocation or suspension was for a
16 violation of subsection (a), Section 11-501.1, subsection
17 (b) of Section 11-401, or for reckless homicide as defined
18 in Section 9-3 of the Criminal Code of 1961, is guilty of a
19 Class 3 felony; and if the person receives a term of
20 probation or conditional discharge, he or she shall be
21 required to serve a mandatory minimum of 10 days of
22 imprisonment or shall be assigned a mandatory minimum of
23 480 hours of community service, as may be determined by the
24 court, as a condition of the probation or conditional
25 discharge. This mandatory minimum term of imprisonment or
26 assignment of community service shall not be suspended or

1 reduced by the court.

2 (2.2) A person who violates subsection (a), if the
3 violation occurs during a period in which his or her
4 driving privileges are revoked or suspended where the
5 revocation or suspension was for a violation of subsection
6 (a) or Section 11-501.1, shall also be sentenced to an
7 additional mandatory minimum term of 30 consecutive days of
8 imprisonment, 40 days of 24-hour periodic imprisonment, or
9 720 hours of community service, as may be determined by the
10 court. This mandatory term of imprisonment or assignment of
11 community service shall not be suspended or reduced by the
12 court.

13 (3) A person who violates subsection (a) a fourth or
14 fifth time, if the fourth or fifth violation occurs during
15 a period in which his or her driving privileges are revoked
16 or suspended where the revocation or suspension was for a
17 violation of subsection (a), Section 11-501.1, paragraph
18 (b) of Section 11-401, or for reckless homicide as defined
19 in Section 9-3 of the Criminal Code of 1961, is guilty of a
20 Class 2 felony and is not eligible for a sentence of
21 probation or conditional discharge.

22 (c-2) (Blank).

23 (c-3) (Blank).

24 (c-4) (Blank).

25 (c-5) A person who violates subsection (a), if the person
26 was transporting a person under the age of 16 at the time of

1 the violation, is subject to an additional mandatory minimum
2 fine of \$1,000, an additional mandatory minimum 140 hours of
3 community service, which shall include 40 hours of community
4 service in a program benefiting children, and an additional 2
5 days of imprisonment. The imprisonment or assignment of
6 community service under this subsection (c-5) is not subject to
7 suspension, nor is the person eligible for a reduced sentence.

8 (c-6) Except as provided in subsections (c-7) and (c-8) a
9 person who violates subsection (a) a second time, if at the
10 time of the second violation the person was transporting a
11 person under the age of 16, is subject to an additional 10 days
12 of imprisonment, an additional mandatory minimum fine of
13 \$1,000, and an additional mandatory minimum 140 hours of
14 community service, which shall include 40 hours of community
15 service in a program benefiting children. The imprisonment or
16 assignment of community service under this subsection (c-6) is
17 not subject to suspension, nor is the person eligible for a
18 reduced sentence. If the person was transporting a passenger
19 under the age of 16 years at the time of the first violation
20 and at the time of the second violation, the person is guilty
21 of a Class 4 felony.

22 (c-7) Except as provided in subsection (c-8), any person
23 convicted of violating subsection (c-6) or a similar provision
24 within 10 years of a previous violation of subsection (a) or a
25 similar provision shall receive, in addition to any other
26 penalty imposed, a mandatory minimum 12 days imprisonment, an

1 additional 40 hours of mandatory community service in a program
2 benefiting children, and a mandatory minimum fine of \$1,750.
3 The imprisonment or assignment of community service under this
4 subsection (c-7) is not subject to suspension, nor is the
5 person eligible for a reduced sentence. If the person was
6 transporting a passenger under the age of 16 years at the time
7 of the first violation and at the time of the second violation,
8 the person is guilty of a Class 4 felony.

9 (c-8) Any person convicted of violating subsection (c-6) or
10 a similar provision within 5 years of a previous violation of
11 subsection (a) or a similar provision shall receive, in
12 addition to any other penalty imposed, an additional 80 hours
13 of mandatory community service in a program benefiting
14 children, an additional mandatory minimum 12 days of
15 imprisonment, and a mandatory minimum fine of \$1,750. The
16 imprisonment or assignment of community service under this
17 subsection (c-8) is not subject to suspension, nor is the
18 person eligible for a reduced sentence. If the person was
19 transporting a passenger under the age of 16 years at the time
20 of the first violation and at the time of the second violation,
21 the person is guilty of a Class 4 felony.

22 (c-9) Any person convicted a third time for violating
23 subsection (a) or a similar provision, if at the time of the
24 third violation the person was transporting a person under the
25 age of 16, is guilty of a Class 4 felony and shall receive, in
26 addition to any other penalty imposed, an additional mandatory

1 fine of \$1,000, an additional mandatory 140 hours of community
2 service, which shall include 40 hours in a program benefiting
3 children, and a mandatory minimum 30 days of imprisonment. The
4 imprisonment or assignment of community service under this
5 subsection (c-9) is not subject to suspension, nor is the
6 person eligible for a reduced sentence.

7 (c-10) Any person convicted of violating subsection (c-9)
8 or a similar provision a third time within 20 years of a
9 previous violation of subsection (a) or a similar provision is
10 guilty of a Class 4 felony and shall receive, in addition to
11 any other penalty imposed, an additional mandatory 40 hours of
12 community service in a program benefiting children, an
13 additional mandatory fine of \$3,000, and a mandatory minimum
14 120 days of imprisonment. The imprisonment or assignment of
15 community service under this subsection (c-10) is not subject
16 to suspension, nor is the person eligible for a reduced
17 sentence.

18 (c-11) Any person convicted a fourth or fifth time for
19 violating subsection (a) or a similar provision, if at the time
20 of the fourth or fifth violation the person was transporting a
21 person under the age of 16, and if the person's 3 prior
22 violations of subsection (a) or a similar provision occurred
23 while transporting a person under the age of 16 or while the
24 alcohol concentration in his or her blood, breath, or urine was
25 0.16 or more based on the definition of blood, breath, or urine
26 units in Section 11-501.2, is guilty of a Class 2 felony, is

1 not eligible for probation or conditional discharge, and is
2 subject to a minimum fine of \$3,000.

3 (c-12) Any person convicted of a first violation of
4 subsection (a) or a similar provision, if the alcohol
5 concentration in his or her blood, breath, or urine was 0.16 or
6 more based on the definition of blood, breath, or urine units
7 in Section 11-501.2, shall be subject, in addition to any other
8 penalty that may be imposed, to a mandatory minimum of 100
9 hours of community service and a mandatory minimum fine of
10 \$500.

11 (c-13) Any person convicted of a second violation of
12 subsection (a) or a similar provision committed within 10 years
13 of a previous violation of subsection (a) or a similar
14 provision committed within 10 years of a previous violation of
15 subsection (a) or a similar provision, if at the time of the
16 second violation of subsection (a) the alcohol concentration in
17 his or her blood, breath, or urine was 0.16 or more based on
18 the definition of blood, breath, or urine units in Section
19 11-501.2, shall be subject, in addition to any other penalty
20 that may be imposed, to a mandatory minimum of 2 days of
21 imprisonment and a mandatory minimum fine of \$1,250.

22 (c-14) Any person convicted of a third violation of
23 subsection (a) or a similar provision within 20 years of a
24 previous violation of subsection (a) or a similar provision, if
25 at the time of the third violation of subsection (a) or a
26 similar provision the alcohol concentration in his or her

1 blood, breath, or urine was 0.16 or more based on the
2 definition of blood, breath, or urine units in Section
3 11-501.2, is guilty of a Class 4 felony and shall be subject,
4 in addition to any other penalty that may be imposed, to a
5 mandatory minimum of 90 days of imprisonment and a mandatory
6 minimum fine of \$2,500.

7 (c-15) Any person convicted of a fourth or fifth violation
8 of subsection (a) or a similar provision, if at the time of the
9 fourth or fifth violation the alcohol concentration in his or
10 her blood, breath, or urine was 0.16 or more based on the
11 definition of blood, breath, or urine units in Section
12 11-501.2, and if the person's 3 prior violations of subsection
13 (a) or a similar provision occurred while transporting a person
14 under the age of 16 or while the alcohol concentration in his
15 or her blood, breath, or urine was 0.16 or more based on the
16 definition of blood, breath, or urine units in Section
17 11-501.2, is guilty of a Class 2 felony and is not eligible for
18 a sentence of probation or conditional discharge and is subject
19 to a minimum fine of \$2,500.

20 (c-16) Any person convicted of a sixth or subsequent
21 violation of subsection (a) is guilty of a Class X felony.

22 (d) (1) Every person convicted of committing a violation of
23 this Section shall be guilty of aggravated driving under
24 the influence of alcohol, other drug or drugs, or
25 intoxicating compound or compounds, or any combination
26 thereof if:

1 (A) the person committed a violation of subsection
2 (a) or a similar provision for the third or subsequent
3 time;

4 (B) the person committed a violation of subsection
5 (a) while driving a school bus with persons 18 years of
6 age or younger on board;

7 (C) the person in committing a violation of
8 subsection (a) was involved in a motor vehicle accident
9 that resulted in great bodily harm or permanent
10 disability or disfigurement to another, when the
11 violation was a proximate cause of the injuries;

12 (D) the person committed a violation of subsection
13 (a) for a second time and has been previously convicted
14 of violating Section 9-3 of the Criminal Code of 1961
15 or a similar provision of a law of another state
16 relating to reckless homicide in which the person was
17 determined to have been under the influence of alcohol,
18 other drug or drugs, or intoxicating compound or
19 compounds as an element of the offense or the person
20 has previously been convicted under subparagraph (C)
21 or subparagraph (F) of this paragraph (1);

22 (E) the person, in committing a violation of
23 subsection (a) while driving at any speed in a school
24 speed zone at a time when a speed limit of 20 miles per
25 hour was in effect under subsection (a) of Section
26 11-605 of this Code, was involved in a motor vehicle

1 accident that resulted in bodily harm, other than great
2 bodily harm or permanent disability or disfigurement,
3 to another person, when the violation of subsection (a)
4 was a proximate cause of the bodily harm; or

5 (F) the person, in committing a violation of
6 subsection (a), was involved in a motor vehicle,
7 snowmobile, all-terrain vehicle, or watercraft
8 accident that resulted in the death of another person,
9 when the violation of subsection (a) was a proximate
10 cause of the death.

11 (2) Except as provided in this paragraph (2), a person
12 convicted of aggravated driving under the influence of
13 alcohol, other drug or drugs, or intoxicating compound or
14 compounds, or any combination thereof is guilty of a Class
15 4 felony. For a violation of subparagraph (C) of paragraph
16 (1) of this subsection (d), the defendant, if sentenced to
17 a term of imprisonment, shall be sentenced to not less than
18 one year nor more than 12 years. Aggravated driving under
19 the influence of alcohol, other drug or drugs, or
20 intoxicating compound or compounds, or any combination
21 thereof as defined in subparagraph (F) of paragraph (1) of
22 this subsection (d) is a Class 2 felony, for which the
23 defendant, if sentenced to a term of imprisonment, shall be
24 sentenced to: (A) a term of imprisonment of not less than 3
25 years and not more than 14 years if the violation resulted
26 in the death of one person; or (B) a term of imprisonment

1 of not less than 6 years and not more than 28 years if the
2 violation resulted in the deaths of 2 or more persons. For
3 any prosecution under this subsection (d), a certified copy
4 of the driving abstract of the defendant shall be admitted
5 as proof of any prior conviction. Any person sentenced
6 under this subsection (d) who receives a term of probation
7 or conditional discharge must serve a minimum term of
8 either 480 hours of community service or 10 days of
9 imprisonment as a condition of the probation or conditional
10 discharge. This mandatory minimum term of imprisonment or
11 assignment of community service may not be suspended or
12 reduced by the court.

13 (e) After a finding of guilt and prior to any final
14 sentencing, or an order for supervision, for an offense based
15 upon an arrest for a violation of this Section or a similar
16 provision of a local ordinance, individuals shall be required
17 to undergo a professional evaluation to determine if an
18 alcohol, drug, or intoxicating compound abuse problem exists
19 and the extent of the problem, and undergo the imposition of
20 treatment as appropriate. Programs conducting these
21 evaluations shall be licensed by the Department of Human
22 Services. The cost of any professional evaluation shall be paid
23 for by the individual required to undergo the professional
24 evaluation.

25 (e-1) Any person who is found guilty of or pleads guilty to
26 violating this Section, including any person receiving a

1 disposition of court supervision for violating this Section,
2 may be required by the Court to attend a victim impact panel
3 offered by, or under contract with, a County State's Attorney's
4 office, a probation and court services department, Mothers
5 Against Drunk Driving, or the Alliance Against Intoxicated
6 Motorists. All costs generated by the victim impact panel shall
7 be paid from fees collected from the offender or as may be
8 determined by the court.

9 (f) Every person found guilty of violating this Section,
10 whose operation of a motor vehicle while in violation of this
11 Section proximately caused any incident resulting in an
12 appropriate emergency response, shall be liable for the expense
13 of an emergency response as provided under Section 5-5-3 of the
14 Unified Code of Corrections.

15 (g) The Secretary of State shall revoke the driving
16 privileges of any person convicted under this Section or a
17 similar provision of a local ordinance.

18 (h) (Blank).

19 (i) The Secretary of State shall require the use of
20 ignition interlock devices on all vehicles owned by an
21 individual who has been convicted of a second or subsequent
22 offense of this Section or a similar provision of a local
23 ordinance. The Secretary shall establish by rule and regulation
24 the procedures for certification and use of the interlock
25 system.

26 (j) In addition to any other penalties and liabilities, a

1 person who is found guilty of or pleads guilty to violating
2 subsection (a), including any person placed on court
3 supervision for violating subsection (a), shall be fined \$500,
4 payable to the circuit clerk, who shall distribute the money as
5 follows: 20% to the law enforcement agency that made the arrest
6 and 80% shall be forwarded to the State Treasurer for deposit
7 into the General Revenue Fund. If the person has been
8 previously convicted of violating subsection (a) or a similar
9 provision of a local ordinance, the fine shall be \$1,000. In
10 the event that more than one agency is responsible for the
11 arrest, the amount payable to law enforcement agencies shall be
12 shared equally. Any moneys received by a law enforcement agency
13 under this subsection (j) shall be used for enforcement and
14 prevention of driving while under the influence of alcohol,
15 other drug or drugs, intoxicating compound or compounds or any
16 combination thereof, as defined by this Section, including but
17 not limited to the purchase of law enforcement equipment and
18 commodities that will assist in the prevention of alcohol
19 related criminal violence throughout the State; police officer
20 training and education in areas related to alcohol related
21 crime, including but not limited to DUI training; and police
22 officer salaries, including but not limited to salaries for
23 hire back funding for safety checkpoints, saturation patrols,
24 and liquor store sting operations. Equipment and commodities
25 shall include, but are not limited to, in-car video cameras,
26 radar and laser speed detection devices, and alcohol breath

1 testers. Any moneys received by the Department of State Police
2 under this subsection (j) shall be deposited into the State
3 Police DUI Fund and shall be used for enforcement and
4 prevention of driving while under the influence of alcohol,
5 other drug or drugs, intoxicating compound or compounds or any
6 combination thereof, as defined by this Section, including but
7 not limited to the purchase of law enforcement equipment and
8 commodities that will assist in the prevention of alcohol
9 related criminal violence throughout the State; police officer
10 training and education in areas related to alcohol related
11 crime, including but not limited to DUI training; and police
12 officer salaries, including but not limited to salaries for
13 hire back funding for safety checkpoints, saturation patrols,
14 and liquor store sting operations.

15 (k) The Secretary of State Police DUI Fund is created as a
16 special fund in the State treasury. All moneys received by the
17 Secretary of State Police under subsection (j) of this Section
18 shall be deposited into the Secretary of State Police DUI Fund
19 and, subject to appropriation, shall be used for enforcement
20 and prevention of driving while under the influence of alcohol,
21 other drug or drugs, intoxicating compound or compounds or any
22 combination thereof, as defined by this Section, including but
23 not limited to the purchase of law enforcement equipment and
24 commodities to assist in the prevention of alcohol related
25 criminal violence throughout the State; police officer
26 training and education in areas related to alcohol related

1 crime, including but not limited to DUI training; and police
2 officer salaries, including but not limited to salaries for
3 hire back funding for safety checkpoints, saturation patrols,
4 and liquor store sting operations.

5 (l) Whenever an individual is sentenced for an offense
6 based upon an arrest for a violation of subsection (a) or a
7 similar provision of a local ordinance, and the professional
8 evaluation recommends remedial or rehabilitative treatment or
9 education, neither the treatment nor the education shall be the
10 sole disposition and either or both may be imposed only in
11 conjunction with another disposition. The court shall monitor
12 compliance with any remedial education or treatment
13 recommendations contained in the professional evaluation.
14 Programs conducting alcohol or other drug evaluation or
15 remedial education must be licensed by the Department of Human
16 Services. If the individual is not a resident of Illinois,
17 however, the court may accept an alcohol or other drug
18 evaluation or remedial education program in the individual's
19 state of residence. Programs providing treatment must be
20 licensed under existing applicable alcoholism and drug
21 treatment licensure standards.

22 (m) In addition to any other fine or penalty required by
23 law, an individual convicted of a violation of subsection (a),
24 Section 5-7 of the Snowmobile Registration and Safety Act,
25 Section 5-16 of the Boat Registration and Safety Act, or a
26 similar provision, whose operation of a motor vehicle,

1 snowmobile, or watercraft while in violation of subsection (a),
2 Section 5-7 of the Snowmobile Registration and Safety Act,
3 Section 5-16 of the Boat Registration and Safety Act, or a
4 similar provision proximately caused an incident resulting in
5 an appropriate emergency response, shall be required to make
6 restitution to a public agency for the costs of that emergency
7 response. The restitution may not exceed \$1,000 per public
8 agency for each emergency response. As used in this subsection
9 (m), "emergency response" means any incident requiring a
10 response by a police officer, a firefighter carried on the
11 rolls of a regularly constituted fire department, or an
12 ambulance.

13 (Source: P.A. 93-156, eff. 1-1-04; 93-213, eff. 7-18-03;
14 93-584, eff. 8-22-03; 93-712, eff. 1-1-05; 93-800, eff. 1-1-05;
15 93-840, eff. 7-30-04; 94-114, eff. 1-1-06; 94-963, eff.
16 6-28-06.)

17 (Text of Section from P.A. 94-116 and 94-963)

18 Sec. 11-501. Driving while under the influence of alcohol,
19 other drug or drugs, intoxicating compound or compounds or any
20 combination thereof.

21 (a) A person shall not drive or be in actual physical
22 control of any vehicle within this State while:

23 (1) the alcohol concentration in the person's blood or
24 breath is 0.08 or more based on the definition of blood and
25 breath units in Section 11-501.2;

1 (2) under the influence of alcohol;

2 (3) under the influence of any intoxicating compound or
3 combination of intoxicating compounds to a degree that
4 renders the person incapable of driving safely;

5 (4) under the influence of any other drug or
6 combination of drugs to a degree that renders the person
7 incapable of safely driving;

8 (5) under the combined influence of alcohol, other drug
9 or drugs, or intoxicating compound or compounds to a degree
10 that renders the person incapable of safely driving; or

11 (6) there is any amount of a drug, substance, or
12 compound in the person's breath, blood, or urine resulting
13 from the unlawful use or consumption of cannabis listed in
14 the Cannabis Control Act, a controlled substance listed in
15 the Illinois Controlled Substances Act, or an intoxicating
16 compound listed in the Use of Intoxicating Compounds Act.

17 (b) The fact that any person charged with violating this
18 Section is or has been legally entitled to use alcohol, other
19 drug or drugs, or intoxicating compound or compounds, or any
20 combination thereof, shall not constitute a defense against any
21 charge of violating this Section.

22 (b-1) With regard to penalties imposed under this Section:

23 (1) Any reference to a prior violation of subsection
24 (a) or a similar provision includes any violation of a
25 provision of a local ordinance or a provision of a law of
26 another state that is similar to a violation of subsection

1 (a) of this Section.

2 (2) Any penalty imposed for driving with a license that
3 has been revoked for a previous violation of subsection (a)
4 of this Section shall be in addition to the penalty imposed
5 for any subsequent violation of subsection (a).

6 (b-2) Except as otherwise provided in this Section, any
7 person convicted of violating subsection (a) of this Section is
8 guilty of a Class A misdemeanor.

9 (b-3) In addition to any other criminal or administrative
10 sanction for any second conviction of violating subsection (a)
11 or a similar provision committed within 5 years of a previous
12 violation of subsection (a) or a similar provision, the
13 defendant shall be sentenced to a mandatory minimum of 5 days
14 of imprisonment or assigned a mandatory minimum of 240 hours of
15 community service as may be determined by the court.

16 (b-4) In the case of a third violation committed within 5
17 years of a previous violation of subsection (a) or a similar
18 provision, the defendant is guilty of a Class 2 felony, and in
19 addition to any other criminal or administrative sanction, a
20 mandatory minimum term of either 10 days of imprisonment or 480
21 hours of community service shall be imposed.

22 (b-5) The imprisonment or assignment of community service
23 under subsections (b-3) and (b-4) shall not be subject to
24 suspension, nor shall the person be eligible for a reduced
25 sentence.

26 (c) (Blank).

1 (c-1) (1) A person who violates subsection (a) during a
2 period in which his or her driving privileges are revoked
3 or suspended, where the revocation or suspension was for a
4 violation of subsection (a), Section 11-501.1, paragraph
5 (b) of Section 11-401, or for reckless homicide as defined
6 in Section 9-3 of the Criminal Code of 1961 is guilty of a
7 Class 4 felony.

8 (2) A person who violates subsection (a) a third time
9 is guilty of a Class 2 felony.

10 (2.1) A person who violates subsection (a) a third
11 time, if the third violation occurs during a period in
12 which his or her driving privileges are revoked or
13 suspended where the revocation or suspension was for a
14 violation of subsection (a), Section 11-501.1, subsection
15 (b) of Section 11-401, or for reckless homicide as defined
16 in Section 9-3 of the Criminal Code of 1961, is guilty of a
17 Class 2 felony; and if the person receives a term of
18 probation or conditional discharge, he or she shall be
19 required to serve a mandatory minimum of 10 days of
20 imprisonment or shall be assigned a mandatory minimum of
21 480 hours of community service, as may be determined by the
22 court, as a condition of the probation or conditional
23 discharge. This mandatory minimum term of imprisonment or
24 assignment of community service shall not be suspended or
25 reduced by the court.

26 (2.2) A person who violates subsection (a), if the

1 violation occurs during a period in which his or her
2 driving privileges are revoked or suspended where the
3 revocation or suspension was for a violation of subsection
4 (a) or Section 11-501.1, shall also be sentenced to an
5 additional mandatory minimum term of 30 consecutive days of
6 imprisonment, 40 days of 24-hour periodic imprisonment, or
7 720 hours of community service, as may be determined by the
8 court. This mandatory term of imprisonment or assignment of
9 community service shall not be suspended or reduced by the
10 court.

11 (3) A person who violates subsection (a) a fourth time
12 is guilty of a Class 2 felony and is not eligible for a
13 sentence of probation or conditional discharge.

14 (4) A person who violates subsection (a) a fifth or
15 subsequent time is guilty of a Class 1 felony and is not
16 eligible for a sentence of probation or conditional
17 discharge.

18 (c-2) (Blank).

19 (c-3) (Blank).

20 (c-4) (Blank).

21 (c-5) A person who violates subsection (a), if the person
22 was transporting a person under the age of 16 at the time of
23 the violation, is subject to an additional mandatory minimum
24 fine of \$1,000, an additional mandatory minimum 140 hours of
25 community service, which shall include 40 hours of community
26 service in a program benefiting children, and an additional 2

1 days of imprisonment. The imprisonment or assignment of
2 community service under this subsection (c-5) is not subject to
3 suspension, nor is the person eligible for a reduced sentence.

4 (c-6) Except as provided in subsections (c-7) and (c-8) a
5 person who violates subsection (a) a second time, if at the
6 time of the second violation the person was transporting a
7 person under the age of 16, is subject to an additional 10 days
8 of imprisonment, an additional mandatory minimum fine of
9 \$1,000, and an additional mandatory minimum 140 hours of
10 community service, which shall include 40 hours of community
11 service in a program benefiting children. The imprisonment or
12 assignment of community service under this subsection (c-6) is
13 not subject to suspension, nor is the person eligible for a
14 reduced sentence. If the person was transporting a passenger
15 under the age of 16 years at the time of the first violation
16 and at the time of the second violation, the person is guilty
17 of a Class 4 felony.

18 (c-7) Except as provided in subsection (c-8), any person
19 convicted of violating subsection (c-6) or a similar provision
20 within 10 years of a previous violation of subsection (a) or a
21 similar provision shall receive, in addition to any other
22 penalty imposed, a mandatory minimum 12 days imprisonment, an
23 additional 40 hours of mandatory community service in a program
24 benefiting children, and a mandatory minimum fine of \$1,750.
25 The imprisonment or assignment of community service under this
26 subsection (c-7) is not subject to suspension, nor is the

1 person eligible for a reduced sentence. If the person was
2 transporting a passenger under the age of 16 years at the time
3 of the first violation and at the time of the second violation,
4 the person is guilty of a Class 4 felony.

5 (c-8) Any person convicted of violating subsection (c-6) or
6 a similar provision within 5 years of a previous violation of
7 subsection (a) or a similar provision shall receive, in
8 addition to any other penalty imposed, an additional 80 hours
9 of mandatory community service in a program benefiting
10 children, an additional mandatory minimum 12 days of
11 imprisonment, and a mandatory minimum fine of \$1,750. The
12 imprisonment or assignment of community service under this
13 subsection (c-8) is not subject to suspension, nor is the
14 person eligible for a reduced sentence. If the person was
15 transporting a passenger under the age of 16 years at the time
16 of the first violation and at the time of the second violation,
17 the person is guilty of a Class 4 felony.

18 (c-9) Any person convicted a third time for violating
19 subsection (a) or a similar provision, if at the time of the
20 third violation the person was transporting a person under the
21 age of 16, is guilty of a Class 2 felony and shall receive, in
22 addition to any other penalty imposed, an additional mandatory
23 fine of \$1,000, an additional mandatory 140 hours of community
24 service, which shall include 40 hours in a program benefiting
25 children, and a mandatory minimum 30 days of imprisonment. The
26 imprisonment or assignment of community service under this

1 subsection (c-9) is not subject to suspension, nor is the
2 person eligible for a reduced sentence.

3 (c-10) Any person convicted of violating subsection (c-9)
4 or a similar provision a third time within 20 years of a
5 previous violation of subsection (a) or a similar provision is
6 guilty of a Class 2 felony and shall receive, in addition to
7 any other penalty imposed, an additional mandatory 40 hours of
8 community service in a program benefiting children, an
9 additional mandatory fine of \$3,000, and a mandatory minimum
10 120 days of imprisonment. The imprisonment or assignment of
11 community service under this subsection (c-10) is not subject
12 to suspension, nor is the person eligible for a reduced
13 sentence.

14 (c-11) Any person convicted a fourth time for violating
15 subsection (a) or a similar provision, if at the time of the
16 fourth violation the person was transporting a person under the
17 age of 16, and if the person's 3 prior violations of subsection
18 (a) or a similar provision occurred while transporting a person
19 under the age of 16 or while the alcohol concentration in his
20 or her blood, breath, or urine was 0.16 or more based on the
21 definition of blood, breath, or urine units in Section
22 11-501.2, is guilty of a Class 2 felony, is not eligible for
23 probation or conditional discharge, and is subject to a minimum
24 fine of \$3,000.

25 (c-12) Any person convicted of a first violation of
26 subsection (a) or a similar provision, if the alcohol

1 concentration in his or her blood, breath, or urine was 0.16 or
2 more based on the definition of blood, breath, or urine units
3 in Section 11-501.2, shall be subject, in addition to any other
4 penalty that may be imposed, to a mandatory minimum of 100
5 hours of community service and a mandatory minimum fine of
6 \$500.

7 (c-13) Any person convicted of a second violation of
8 subsection (a) or a similar provision committed within 10 years
9 of a previous violation of subsection (a) or a similar
10 provision committed within 10 years of a previous violation of
11 subsection (a) or a similar provision, if at the time of the
12 second violation of subsection (a) the alcohol concentration in
13 his or her blood, breath, or urine was 0.16 or more based on
14 the definition of blood, breath, or urine units in Section
15 11-501.2, shall be subject, in addition to any other penalty
16 that may be imposed, to a mandatory minimum of 2 days of
17 imprisonment and a mandatory minimum fine of \$1,250.

18 (c-14) Any person convicted of a third violation of
19 subsection (a) or a similar provision within 20 years of a
20 previous violation of subsection (a) or a similar provision, if
21 at the time of the third violation of subsection (a) or a
22 similar provision the alcohol concentration in his or her
23 blood, breath, or urine was 0.16 or more based on the
24 definition of blood, breath, or urine units in Section
25 11-501.2, is guilty of a Class 2 felony and shall be subject,
26 in addition to any other penalty that may be imposed, to a

1 mandatory minimum of 90 days of imprisonment and a mandatory
2 minimum fine of \$2,500.

3 (c-15) Any person convicted of a fourth violation of
4 subsection (a) or a similar provision, if at the time of the
5 fourth violation the alcohol concentration in his or her blood,
6 breath, or urine was 0.16 or more based on the definition of
7 blood, breath, or urine units in Section 11-501.2, and if the
8 person's 3 prior violations of subsection (a) or a similar
9 provision occurred while transporting a person under the age of
10 16 or while the alcohol concentration in his or her blood,
11 breath, or urine was 0.16 or more based on the definition of
12 blood, breath, or urine units in Section 11-501.2, is guilty of
13 a Class 2 felony and is not eligible for a sentence of
14 probation or conditional discharge and is subject to a minimum
15 fine of \$2,500.

16 (d) (1) Every person convicted of committing a violation of
17 this Section shall be guilty of aggravated driving under
18 the influence of alcohol, other drug or drugs, or
19 intoxicating compound or compounds, or any combination
20 thereof if:

21 (A) the person committed a violation of subsection
22 (a) or a similar provision for the third or subsequent
23 time;

24 (B) the person committed a violation of subsection
25 (a) while driving a school bus with persons 18 years of
26 age or younger on board;

1 (C) the person in committing a violation of
2 subsection (a) was involved in a motor vehicle accident
3 that resulted in great bodily harm or permanent
4 disability or disfigurement to another, when the
5 violation was a proximate cause of the injuries;

6 (D) the person committed a violation of subsection
7 (a) for a second time and has been previously convicted
8 of violating Section 9-3 of the Criminal Code of 1961
9 or a similar provision of a law of another state
10 relating to reckless homicide in which the person was
11 determined to have been under the influence of alcohol,
12 other drug or drugs, or intoxicating compound or
13 compounds as an element of the offense or the person
14 has previously been convicted under subparagraph (C)
15 or subparagraph (F) of this paragraph (1);

16 (E) the person, in committing a violation of
17 subsection (a) while driving at any speed in a school
18 speed zone at a time when a speed limit of 20 miles per
19 hour was in effect under subsection (a) of Section
20 11-605 of this Code, was involved in a motor vehicle
21 accident that resulted in bodily harm, other than great
22 bodily harm or permanent disability or disfigurement,
23 to another person, when the violation of subsection (a)
24 was a proximate cause of the bodily harm; or

25 (F) the person, in committing a violation of
26 subsection (a), was involved in a motor vehicle,

1 snowmobile, all-terrain vehicle, or watercraft
2 accident that resulted in the death of another person,
3 when the violation of subsection (a) was a proximate
4 cause of the death.

5 (2) Except as provided in this paragraph (2) and in
6 paragraphs (3) and (4) of subsection (c-1), a person
7 convicted of aggravated driving under the influence of
8 alcohol, other drug or drugs, or intoxicating compound or
9 compounds, or any combination thereof is guilty of a Class
10 4 felony. For a violation of subparagraph (C) of paragraph
11 (1) of this subsection (d), the defendant, if sentenced to
12 a term of imprisonment, shall be sentenced to not less than
13 one year nor more than 12 years. Except as provided in
14 paragraph (4) of subsection (c-1), aggravated driving
15 under the influence of alcohol, other drug, or drugs,
16 intoxicating compounds or compounds, or any combination
17 thereof as defined in subparagraph (A) of paragraph (1) of
18 this subsection (d) is a Class 2 felony. Aggravated driving
19 under the influence of alcohol, other drug or drugs, or
20 intoxicating compound or compounds, or any combination
21 thereof as defined in subparagraph (F) of paragraph (1) of
22 this subsection (d) is a Class 2 felony, for which the
23 defendant, if sentenced to a term of imprisonment, shall be
24 sentenced to: (A) a term of imprisonment of not less than 3
25 years and not more than 14 years if the violation resulted
26 in the death of one person; or (B) a term of imprisonment

1 of not less than 6 years and not more than 28 years if the
2 violation resulted in the deaths of 2 or more persons. For
3 any prosecution under this subsection (d), a certified copy
4 of the driving abstract of the defendant shall be admitted
5 as proof of any prior conviction. Any person sentenced
6 under this subsection (d) who receives a term of probation
7 or conditional discharge must serve a minimum term of
8 either 480 hours of community service or 10 days of
9 imprisonment as a condition of the probation or conditional
10 discharge. This mandatory minimum term of imprisonment or
11 assignment of community service may not be suspended or
12 reduced by the court.

13 (e) After a finding of guilt and prior to any final
14 sentencing, or an order for supervision, for an offense based
15 upon an arrest for a violation of this Section or a similar
16 provision of a local ordinance, individuals shall be required
17 to undergo a professional evaluation to determine if an
18 alcohol, drug, or intoxicating compound abuse problem exists
19 and the extent of the problem, and undergo the imposition of
20 treatment as appropriate. Programs conducting these
21 evaluations shall be licensed by the Department of Human
22 Services. The cost of any professional evaluation shall be paid
23 for by the individual required to undergo the professional
24 evaluation.

25 (e-1) Any person who is found guilty of or pleads guilty to
26 violating this Section, including any person receiving a

1 disposition of court supervision for violating this Section,
2 may be required by the Court to attend a victim impact panel
3 offered by, or under contract with, a County State's Attorney's
4 office, a probation and court services department, Mothers
5 Against Drunk Driving, or the Alliance Against Intoxicated
6 Motorists. All costs generated by the victim impact panel shall
7 be paid from fees collected from the offender or as may be
8 determined by the court.

9 (f) Every person found guilty of violating this Section,
10 whose operation of a motor vehicle while in violation of this
11 Section proximately caused any incident resulting in an
12 appropriate emergency response, shall be liable for the expense
13 of an emergency response as provided under Section 5-5-3 of the
14 Unified Code of Corrections.

15 (g) The Secretary of State shall revoke the driving
16 privileges of any person convicted under this Section or a
17 similar provision of a local ordinance.

18 (h) (Blank).

19 (i) The Secretary of State shall require the use of
20 ignition interlock devices on all vehicles owned by an
21 individual who has been convicted of a second or subsequent
22 offense of this Section or a similar provision of a local
23 ordinance. The Secretary shall establish by rule and regulation
24 the procedures for certification and use of the interlock
25 system.

26 (j) In addition to any other penalties and liabilities, a

1 person who is found guilty of or pleads guilty to violating
2 subsection (a), including any person placed on court
3 supervision for violating subsection (a), shall be fined \$500,
4 payable to the circuit clerk, who shall distribute the money as
5 follows: 20% to the law enforcement agency that made the arrest
6 and 80% shall be forwarded to the State Treasurer for deposit
7 into the General Revenue Fund. If the person has been
8 previously convicted of violating subsection (a) or a similar
9 provision of a local ordinance, the fine shall be \$1,000. In
10 the event that more than one agency is responsible for the
11 arrest, the amount payable to law enforcement agencies shall be
12 shared equally. Any moneys received by a law enforcement agency
13 under this subsection (j) shall be used for enforcement and
14 prevention of driving while under the influence of alcohol,
15 other drug or drugs, intoxicating compound or compounds or any
16 combination thereof, as defined by this Section, including but
17 not limited to the purchase of law enforcement equipment and
18 commodities that will assist in the prevention of alcohol
19 related criminal violence throughout the State; police officer
20 training and education in areas related to alcohol related
21 crime, including but not limited to DUI training; and police
22 officer salaries, including but not limited to salaries for
23 hire back funding for safety checkpoints, saturation patrols,
24 and liquor store sting operations. Equipment and commodities
25 shall include, but are not limited to, in-car video cameras,
26 radar and laser speed detection devices, and alcohol breath

1 testers. Any moneys received by the Department of State Police
2 under this subsection (j) shall be deposited into the State
3 Police DUI Fund and shall be used for enforcement and
4 prevention of driving while under the influence of alcohol,
5 other drug or drugs, intoxicating compound or compounds or any
6 combination thereof, as defined by this Section, including but
7 not limited to the purchase of law enforcement equipment and
8 commodities that will assist in the prevention of alcohol
9 related criminal violence throughout the State; police officer
10 training and education in areas related to alcohol related
11 crime, including but not limited to DUI training; and police
12 officer salaries, including but not limited to salaries for
13 hire back funding for safety checkpoints, saturation patrols,
14 and liquor store sting operations.

15 (k) The Secretary of State Police DUI Fund is created as a
16 special fund in the State treasury. All moneys received by the
17 Secretary of State Police under subsection (j) of this Section
18 shall be deposited into the Secretary of State Police DUI Fund
19 and, subject to appropriation, shall be used for enforcement
20 and prevention of driving while under the influence of alcohol,
21 other drug or drugs, intoxicating compound or compounds or any
22 combination thereof, as defined by this Section, including but
23 not limited to the purchase of law enforcement equipment and
24 commodities to assist in the prevention of alcohol related
25 criminal violence throughout the State; police officer
26 training and education in areas related to alcohol related

1 crime, including but not limited to DUI training; and police
2 officer salaries, including but not limited to salaries for
3 hire back funding for safety checkpoints, saturation patrols,
4 and liquor store sting operations.

5 (l) Whenever an individual is sentenced for an offense
6 based upon an arrest for a violation of subsection (a) or a
7 similar provision of a local ordinance, and the professional
8 evaluation recommends remedial or rehabilitative treatment or
9 education, neither the treatment nor the education shall be the
10 sole disposition and either or both may be imposed only in
11 conjunction with another disposition. The court shall monitor
12 compliance with any remedial education or treatment
13 recommendations contained in the professional evaluation.
14 Programs conducting alcohol or other drug evaluation or
15 remedial education must be licensed by the Department of Human
16 Services. If the individual is not a resident of Illinois,
17 however, the court may accept an alcohol or other drug
18 evaluation or remedial education program in the individual's
19 state of residence. Programs providing treatment must be
20 licensed under existing applicable alcoholism and drug
21 treatment licensure standards.

22 (m) In addition to any other fine or penalty required by
23 law, an individual convicted of a violation of subsection (a),
24 Section 5-7 of the Snowmobile Registration and Safety Act,
25 Section 5-16 of the Boat Registration and Safety Act, or a
26 similar provision, whose operation of a motor vehicle,

1 snowmobile, or watercraft while in violation of subsection (a),
2 Section 5-7 of the Snowmobile Registration and Safety Act,
3 Section 5-16 of the Boat Registration and Safety Act, or a
4 similar provision proximately caused an incident resulting in
5 an appropriate emergency response, shall be required to make
6 restitution to a public agency for the costs of that emergency
7 response. The restitution may not exceed \$1,000 per public
8 agency for each emergency response. As used in this subsection
9 (m), "emergency response" means any incident requiring a
10 response by a police officer, a firefighter carried on the
11 rolls of a regularly constituted fire department, or an
12 ambulance.

13 (Source: P.A. 93-156, eff. 1-1-04; 93-213, eff. 7-18-03;
14 93-584, eff. 8-22-03; 93-712, eff. 1-1-05; 93-800, eff. 1-1-05;
15 93-840, eff. 7-30-04; 94-116, eff. 1-1-06; 94-963, eff.
16 6-28-06.)

17 (Text of Section from P.A. 94-329 and 94-963)

18 Sec. 11-501. Driving while under the influence of alcohol,
19 other drug or drugs, intoxicating compound or compounds or any
20 combination thereof.

21 (a) A person shall not drive or be in actual physical
22 control of any vehicle within this State while:

23 (1) the alcohol concentration in the person's blood or
24 breath is 0.08 or more based on the definition of blood and
25 breath units in Section 11-501.2;

1 (2) under the influence of alcohol;

2 (3) under the influence of any intoxicating compound or
3 combination of intoxicating compounds to a degree that
4 renders the person incapable of driving safely;

5 (4) under the influence of any other drug or
6 combination of drugs to a degree that renders the person
7 incapable of safely driving;

8 (5) under the combined influence of alcohol, other drug
9 or drugs, or intoxicating compound or compounds to a degree
10 that renders the person incapable of safely driving; or

11 (6) there is any amount of a drug, substance, or
12 compound in the person's breath, blood, or urine resulting
13 from the unlawful use or consumption of cannabis listed in
14 the Cannabis Control Act, a controlled substance listed in
15 the Illinois Controlled Substances Act, or an intoxicating
16 compound listed in the Use of Intoxicating Compounds Act.

17 (b) The fact that any person charged with violating this
18 Section is or has been legally entitled to use alcohol, other
19 drug or drugs, or intoxicating compound or compounds, or any
20 combination thereof, shall not constitute a defense against any
21 charge of violating this Section.

22 (b-1) With regard to penalties imposed under this Section:

23 (1) Any reference to a prior violation of subsection
24 (a) or a similar provision includes any violation of a
25 provision of a local ordinance or a provision of a law of
26 another state that is similar to a violation of subsection

1 (a) of this Section.

2 (2) Any penalty imposed for driving with a license that
3 has been revoked for a previous violation of subsection (a)
4 of this Section shall be in addition to the penalty imposed
5 for any subsequent violation of subsection (a).

6 (b-2) Except as otherwise provided in this Section, any
7 person convicted of violating subsection (a) of this Section is
8 guilty of a Class A misdemeanor.

9 (b-3) In addition to any other criminal or administrative
10 sanction for any second conviction of violating subsection (a)
11 or a similar provision committed within 5 years of a previous
12 violation of subsection (a) or a similar provision, the
13 defendant shall be sentenced to a mandatory minimum of 5 days
14 of imprisonment or assigned a mandatory minimum of 240 hours of
15 community service as may be determined by the court.

16 (b-4) In the case of a third or subsequent violation
17 committed within 5 years of a previous violation of subsection
18 (a) or a similar provision, in addition to any other criminal
19 or administrative sanction, a mandatory minimum term of either
20 10 days of imprisonment or 480 hours of community service shall
21 be imposed.

22 (b-5) The imprisonment or assignment of community service
23 under subsections (b-3) and (b-4) shall not be subject to
24 suspension, nor shall the person be eligible for a reduced
25 sentence.

26 (c) (Blank).

1 (c-1) (1) A person who violates subsection (a) during a
2 period in which his or her driving privileges are revoked
3 or suspended, where the revocation or suspension was for a
4 violation of subsection (a), Section 11-501.1, paragraph
5 (b) of Section 11-401, or for reckless homicide as defined
6 in Section 9-3 of the Criminal Code of 1961 is guilty of
7 aggravated driving under the influence of alcohol, other
8 drug or drugs, intoxicating compound or compounds, or any
9 combination thereof and is guilty of a Class 4 felony.

10 (2) A person who violates subsection (a) a third time,
11 if the third violation occurs during a period in which his
12 or her driving privileges are revoked or suspended where
13 the revocation or suspension was for a violation of
14 subsection (a), Section 11-501.1, paragraph (b) of Section
15 11-401, or for reckless homicide as defined in Section 9-3
16 of the Criminal Code of 1961, is guilty of aggravated
17 driving under the influence of alcohol, other drug or
18 drugs, intoxicating compound or compounds, or any
19 combination thereof and is guilty of a Class 3 felony.

20 (2.1) A person who violates subsection (a) a third
21 time, if the third violation occurs during a period in
22 which his or her driving privileges are revoked or
23 suspended where the revocation or suspension was for a
24 violation of subsection (a), Section 11-501.1, subsection
25 (b) of Section 11-401, or for reckless homicide as defined
26 in Section 9-3 of the Criminal Code of 1961, is guilty of

1 aggravated driving under the influence of alcohol, other
2 drug or drugs, intoxicating compound or compounds, or any
3 combination thereof and is guilty of a Class 3 felony; and
4 if the person receives a term of probation or conditional
5 discharge, he or she shall be required to serve a mandatory
6 minimum of 10 days of imprisonment or shall be assigned a
7 mandatory minimum of 480 hours of community service, as may
8 be determined by the court, as a condition of the probation
9 or conditional discharge. This mandatory minimum term of
10 imprisonment or assignment of community service shall not
11 be suspended or reduced by the court.

12 (2.2) A person who violates subsection (a), if the
13 violation occurs during a period in which his or her
14 driving privileges are revoked or suspended where the
15 revocation or suspension was for a violation of subsection
16 (a) or Section 11-501.1, is guilty of aggravated driving
17 under the influence of alcohol, other drug or drugs,
18 intoxicating compound or compounds, or any combination
19 thereof and shall also be sentenced to an additional
20 mandatory minimum term of 30 consecutive days of
21 imprisonment, 40 days of 24-hour periodic imprisonment, or
22 720 hours of community service, as may be determined by the
23 court. This mandatory term of imprisonment or assignment of
24 community service shall not be suspended or reduced by the
25 court.

26 (3) A person who violates subsection (a) a fourth or

1 subsequent time, if the fourth or subsequent violation
2 occurs during a period in which his or her driving
3 privileges are revoked or suspended where the revocation or
4 suspension was for a violation of subsection (a), Section
5 11-501.1, paragraph (b) of Section 11-401, or for reckless
6 homicide as defined in Section 9-3 of the Criminal Code of
7 1961, is guilty of aggravated driving under the influence
8 of alcohol, other drug or drugs, intoxicating compound or
9 compounds, or any combination thereof and is guilty of a
10 Class 2 felony, and is not eligible for a sentence of
11 probation or conditional discharge.

12 (c-2) (Blank).

13 (c-3) (Blank).

14 (c-4) (Blank).

15 (c-5) A person who violates subsection (a), if the person
16 was transporting a person under the age of 16 at the time of
17 the violation, is subject to an additional mandatory minimum
18 fine of \$1,000, an additional mandatory minimum 140 hours of
19 community service, which shall include 40 hours of community
20 service in a program benefiting children, and an additional 2
21 days of imprisonment. The imprisonment or assignment of
22 community service under this subsection (c-5) is not subject to
23 suspension, nor is the person eligible for a reduced sentence.

24 (c-6) Except as provided in subsections (c-7) and (c-8) a
25 person who violates subsection (a) a second time, if at the
26 time of the second violation the person was transporting a

1 person under the age of 16, is subject to an additional 10 days
2 of imprisonment, an additional mandatory minimum fine of
3 \$1,000, and an additional mandatory minimum 140 hours of
4 community service, which shall include 40 hours of community
5 service in a program benefiting children. The imprisonment or
6 assignment of community service under this subsection (c-6) is
7 not subject to suspension, nor is the person eligible for a
8 reduced sentence. If the person was transporting a passenger
9 under the age of 16 years at the time of the first violation
10 and at the time of the second violation, the person is guilty
11 of a Class 4 felony.

12 (c-7) Except as provided in subsection (c-8), any person
13 convicted of violating subsection (c-6) or a similar provision
14 within 10 years of a previous violation of subsection (a) or a
15 similar provision shall receive, in addition to any other
16 penalty imposed, a mandatory minimum 12 days imprisonment, an
17 additional 40 hours of mandatory community service in a program
18 benefiting children, and a mandatory minimum fine of \$1,750.
19 The imprisonment or assignment of community service under this
20 subsection (c-7) is not subject to suspension, nor is the
21 person eligible for a reduced sentence. If the person was
22 transporting a passenger under the age of 16 years at the time
23 of the first violation and at the time of the second violation,
24 the person is guilty of a Class 4 felony.

25 (c-8) Any person convicted of violating subsection (c-6) or
26 a similar provision within 5 years of a previous violation of

1 subsection (a) or a similar provision shall receive, in
2 addition to any other penalty imposed, an additional 80 hours
3 of mandatory community service in a program benefiting
4 children, an additional mandatory minimum 12 days of
5 imprisonment, and a mandatory minimum fine of \$1,750. The
6 imprisonment or assignment of community service under this
7 subsection (c-8) is not subject to suspension, nor is the
8 person eligible for a reduced sentence. If the person was
9 transporting a passenger under the age of 16 years at the time
10 of the first violation and at the time of the second violation,
11 the person is guilty of a Class 4 felony.

12 (c-9) Any person convicted a third time for violating
13 subsection (a) or a similar provision, if at the time of the
14 third violation the person was transporting a person under the
15 age of 16, is guilty of a Class 4 felony and shall receive, in
16 addition to any other penalty imposed, an additional mandatory
17 fine of \$1,000, an additional mandatory 140 hours of community
18 service, which shall include 40 hours in a program benefiting
19 children, and a mandatory minimum 30 days of imprisonment. The
20 imprisonment or assignment of community service under this
21 subsection (c-9) is not subject to suspension, nor is the
22 person eligible for a reduced sentence.

23 (c-10) Any person convicted of violating subsection (c-9)
24 or a similar provision a third time within 20 years of a
25 previous violation of subsection (a) or a similar provision is
26 guilty of a Class 4 felony and shall receive, in addition to

1 any other penalty imposed, an additional mandatory 40 hours of
2 community service in a program benefiting children, an
3 additional mandatory fine of \$3,000, and a mandatory minimum
4 120 days of imprisonment. The imprisonment or assignment of
5 community service under this subsection (c-10) is not subject
6 to suspension, nor is the person eligible for a reduced
7 sentence.

8 (c-11) Any person convicted a fourth or subsequent time for
9 violating subsection (a) or a similar provision, if at the time
10 of the fourth or subsequent violation the person was
11 transporting a person under the age of 16, and if the person's
12 3 prior violations of subsection (a) or a similar provision
13 occurred while transporting a person under the age of 16 or
14 while the alcohol concentration in his or her blood, breath, or
15 urine was 0.16 or more based on the definition of blood,
16 breath, or urine units in Section 11-501.2, is guilty of a
17 Class 2 felony, is not eligible for probation or conditional
18 discharge, and is subject to a minimum fine of \$3,000.

19 (c-12) Any person convicted of a first violation of
20 subsection (a) or a similar provision, if the alcohol
21 concentration in his or her blood, breath, or urine was 0.16 or
22 more based on the definition of blood, breath, or urine units
23 in Section 11-501.2, shall be subject, in addition to any other
24 penalty that may be imposed, to a mandatory minimum of 100
25 hours of community service and a mandatory minimum fine of
26 \$500.

1 (c-13) Any person convicted of a second violation of
2 subsection (a) or a similar provision committed within 10 years
3 of a previous violation of subsection (a) or a similar
4 provision committed within 10 years of a previous violation of
5 subsection (a) or a similar provision, if at the time of the
6 second violation of subsection (a) the alcohol concentration in
7 his or her blood, breath, or urine was 0.16 or more based on
8 the definition of blood, breath, or urine units in Section
9 11-501.2, shall be subject, in addition to any other penalty
10 that may be imposed, to a mandatory minimum of 2 days of
11 imprisonment and a mandatory minimum fine of \$1,250.

12 (c-14) Any person convicted of a third violation of
13 subsection (a) or a similar provision within 20 years of a
14 previous violation of subsection (a) or a similar provision, if
15 at the time of the third violation of subsection (a) or a
16 similar provision the alcohol concentration in his or her
17 blood, breath, or urine was 0.16 or more based on the
18 definition of blood, breath, or urine units in Section
19 11-501.2, is guilty of a Class 4 felony and shall be subject,
20 in addition to any other penalty that may be imposed, to a
21 mandatory minimum of 90 days of imprisonment and a mandatory
22 minimum fine of \$2,500.

23 (c-15) Any person convicted of a fourth or subsequent
24 violation of subsection (a) or a similar provision, if at the
25 time of the fourth or subsequent violation the alcohol
26 concentration in his or her blood, breath, or urine was 0.16 or

1 more based on the definition of blood, breath, or urine units
2 in Section 11-501.2, and if the person's 3 prior violations of
3 subsection (a) or a similar provision occurred while
4 transporting a person under the age of 16 or while the alcohol
5 concentration in his or her blood, breath, or urine was 0.16 or
6 more based on the definition of blood, breath, or urine units
7 in Section 11-501.2, is guilty of a Class 2 felony and is not
8 eligible for a sentence of probation or conditional discharge
9 and is subject to a minimum fine of \$2,500.

10 (d) (1) Every person convicted of committing a violation of
11 this Section shall be guilty of aggravated driving under
12 the influence of alcohol, other drug or drugs, or
13 intoxicating compound or compounds, or any combination
14 thereof if:

15 (A) the person committed a violation of subsection
16 (a) or a similar provision for the third or subsequent
17 time;

18 (B) the person committed a violation of subsection
19 (a) while driving a school bus with persons 18 years of
20 age or younger on board;

21 (C) the person in committing a violation of
22 subsection (a) was involved in a motor vehicle accident
23 that resulted in great bodily harm or permanent
24 disability or disfigurement to another, when the
25 violation was a proximate cause of the injuries;

26 (D) the person committed a violation of subsection

1 (a) for a second time and has been previously convicted
2 of violating Section 9-3 of the Criminal Code of 1961
3 or a similar provision of a law of another state
4 relating to reckless homicide in which the person was
5 determined to have been under the influence of alcohol,
6 other drug or drugs, or intoxicating compound or
7 compounds as an element of the offense or the person
8 has previously been convicted under subparagraph (C)
9 or subparagraph (F) of this paragraph (1);

10 (E) the person, in committing a violation of
11 subsection (a) while driving at any speed in a school
12 speed zone at a time when a speed limit of 20 miles per
13 hour was in effect under subsection (a) of Section
14 11-605 of this Code, was involved in a motor vehicle
15 accident that resulted in bodily harm, other than great
16 bodily harm or permanent disability or disfigurement,
17 to another person, when the violation of subsection (a)
18 was a proximate cause of the bodily harm; or

19 (F) the person, in committing a violation of
20 subsection (a), was involved in a motor vehicle,
21 snowmobile, all-terrain vehicle, or watercraft
22 accident that resulted in the death of another person,
23 when the violation of subsection (a) was a proximate
24 cause of the death;

25 (G) the person committed the violation while he or
26 she did not possess a driver's license or permit or a

1 restricted driving permit or a judicial driving
2 permit; or

3 (H) the person committed the violation while he or
4 she knew or should have known that the vehicle he or
5 she was driving was not covered by a liability
6 insurance policy.

7 (2) Except as provided in this paragraph (2) and in
8 paragraphs (2), (2.1), and (3) of subsection (c-1), a
9 person convicted of aggravated driving under the influence
10 of alcohol, other drug or drugs, or intoxicating compound
11 or compounds, or any combination thereof is guilty of a
12 Class 4 felony. For a violation of subparagraph (C) of
13 paragraph (1) of this subsection (d), the defendant, if
14 sentenced to a term of imprisonment, shall be sentenced to
15 not less than one year nor more than 12 years. Aggravated
16 driving under the influence of alcohol, other drug or
17 drugs, or intoxicating compound or compounds, or any
18 combination thereof as defined in subparagraph (F) of
19 paragraph (1) of this subsection (d) is a Class 2 felony,
20 for which the defendant, if sentenced to a term of
21 imprisonment, shall be sentenced to: (A) a term of
22 imprisonment of not less than 3 years and not more than 14
23 years if the violation resulted in the death of one person;
24 or (B) a term of imprisonment of not less than 6 years and
25 not more than 28 years if the violation resulted in the
26 deaths of 2 or more persons. For any prosecution under this

1 subsection (d), a certified copy of the driving abstract of
2 the defendant shall be admitted as proof of any prior
3 conviction. Any person sentenced under this subsection (d)
4 who receives a term of probation or conditional discharge
5 must serve a minimum term of either 480 hours of community
6 service or 10 days of imprisonment as a condition of the
7 probation or conditional discharge. This mandatory minimum
8 term of imprisonment or assignment of community service may
9 not be suspended or reduced by the court.

10 (e) After a finding of guilt and prior to any final
11 sentencing, or an order for supervision, for an offense based
12 upon an arrest for a violation of this Section or a similar
13 provision of a local ordinance, individuals shall be required
14 to undergo a professional evaluation to determine if an
15 alcohol, drug, or intoxicating compound abuse problem exists
16 and the extent of the problem, and undergo the imposition of
17 treatment as appropriate. Programs conducting these
18 evaluations shall be licensed by the Department of Human
19 Services. The cost of any professional evaluation shall be paid
20 for by the individual required to undergo the professional
21 evaluation.

22 (e-1) Any person who is found guilty of or pleads guilty to
23 violating this Section, including any person receiving a
24 disposition of court supervision for violating this Section,
25 may be required by the Court to attend a victim impact panel
26 offered by, or under contract with, a County State's Attorney's

1 office, a probation and court services department, Mothers
2 Against Drunk Driving, or the Alliance Against Intoxicated
3 Motorists. All costs generated by the victim impact panel shall
4 be paid from fees collected from the offender or as may be
5 determined by the court.

6 (f) Every person found guilty of violating this Section,
7 whose operation of a motor vehicle while in violation of this
8 Section proximately caused any incident resulting in an
9 appropriate emergency response, shall be liable for the expense
10 of an emergency response as provided under Section 5-5-3 of the
11 Unified Code of Corrections.

12 (g) The Secretary of State shall revoke the driving
13 privileges of any person convicted under this Section or a
14 similar provision of a local ordinance.

15 (h) (Blank).

16 (i) The Secretary of State shall require the use of
17 ignition interlock devices on all vehicles owned by an
18 individual who has been convicted of a second or subsequent
19 offense of this Section or a similar provision of a local
20 ordinance. The Secretary shall establish by rule and regulation
21 the procedures for certification and use of the interlock
22 system.

23 (j) In addition to any other penalties and liabilities, a
24 person who is found guilty of or pleads guilty to violating
25 subsection (a), including any person placed on court
26 supervision for violating subsection (a), shall be fined \$500,

1 payable to the circuit clerk, who shall distribute the money as
2 follows: 20% to the law enforcement agency that made the arrest
3 and 80% shall be forwarded to the State Treasurer for deposit
4 into the General Revenue Fund. If the person has been
5 previously convicted of violating subsection (a) or a similar
6 provision of a local ordinance, the fine shall be \$1,000. In
7 the event that more than one agency is responsible for the
8 arrest, the amount payable to law enforcement agencies shall be
9 shared equally. Any moneys received by a law enforcement agency
10 under this subsection (j) shall be used for enforcement and
11 prevention of driving while under the influence of alcohol,
12 other drug or drugs, intoxicating compound or compounds or any
13 combination thereof, as defined by this Section, including but
14 not limited to the purchase of law enforcement equipment and
15 commodities that will assist in the prevention of alcohol
16 related criminal violence throughout the State; police officer
17 training and education in areas related to alcohol related
18 crime, including but not limited to DUI training; and police
19 officer salaries, including but not limited to salaries for
20 hire back funding for safety checkpoints, saturation patrols,
21 and liquor store sting operations. Equipment and commodities
22 shall include, but are not limited to, in-car video cameras,
23 radar and laser speed detection devices, and alcohol breath
24 testers. Any moneys received by the Department of State Police
25 under this subsection (j) shall be deposited into the State
26 Police DUI Fund and shall be used for enforcement and

1 prevention of driving while under the influence of alcohol,
2 other drug or drugs, intoxicating compound or compounds or any
3 combination thereof, as defined by this Section, including but
4 not limited to the purchase of law enforcement equipment and
5 commodities that will assist in the prevention of alcohol
6 related criminal violence throughout the State; police officer
7 training and education in areas related to alcohol related
8 crime, including but not limited to DUI training; and police
9 officer salaries, including but not limited to salaries for
10 hire back funding for safety checkpoints, saturation patrols,
11 and liquor store sting operations.

12 (k) The Secretary of State Police DUI Fund is created as a
13 special fund in the State treasury. All moneys received by the
14 Secretary of State Police under subsection (j) of this Section
15 shall be deposited into the Secretary of State Police DUI Fund
16 and, subject to appropriation, shall be used for enforcement
17 and prevention of driving while under the influence of alcohol,
18 other drug or drugs, intoxicating compound or compounds or any
19 combination thereof, as defined by this Section, including but
20 not limited to the purchase of law enforcement equipment and
21 commodities to assist in the prevention of alcohol related
22 criminal violence throughout the State; police officer
23 training and education in areas related to alcohol related
24 crime, including but not limited to DUI training; and police
25 officer salaries, including but not limited to salaries for
26 hire back funding for safety checkpoints, saturation patrols,

1 and liquor store sting operations.

2 (l) Whenever an individual is sentenced for an offense
3 based upon an arrest for a violation of subsection (a) or a
4 similar provision of a local ordinance, and the professional
5 evaluation recommends remedial or rehabilitative treatment or
6 education, neither the treatment nor the education shall be the
7 sole disposition and either or both may be imposed only in
8 conjunction with another disposition. The court shall monitor
9 compliance with any remedial education or treatment
10 recommendations contained in the professional evaluation.
11 Programs conducting alcohol or other drug evaluation or
12 remedial education must be licensed by the Department of Human
13 Services. If the individual is not a resident of Illinois,
14 however, the court may accept an alcohol or other drug
15 evaluation or remedial education program in the individual's
16 state of residence. Programs providing treatment must be
17 licensed under existing applicable alcoholism and drug
18 treatment licensure standards.

19 (m) In addition to any other fine or penalty required by
20 law, an individual convicted of a violation of subsection (a),
21 Section 5-7 of the Snowmobile Registration and Safety Act,
22 Section 5-16 of the Boat Registration and Safety Act, or a
23 similar provision, whose operation of a motor vehicle,
24 snowmobile, or watercraft while in violation of subsection (a),
25 Section 5-7 of the Snowmobile Registration and Safety Act,
26 Section 5-16 of the Boat Registration and Safety Act, or a

1 similar provision proximately caused an incident resulting in
2 an appropriate emergency response, shall be required to make
3 restitution to a public agency for the costs of that emergency
4 response. The restitution may not exceed \$1,000 per public
5 agency for each emergency response. As used in this subsection
6 (m), "emergency response" means any incident requiring a
7 response by a police officer, a firefighter carried on the
8 rolls of a regularly constituted fire department, or an
9 ambulance.

10 (Source: P.A. 93-156, eff. 1-1-04; 93-213, eff. 7-18-03;
11 93-584, eff. 8-22-03; 93-712, eff. 1-1-05; 93-800, eff. 1-1-05;
12 93-840, eff. 7-30-04; 94-329, eff. 1-1-06; 94-963, eff.
13 6-28-06.)